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JOURNAL

OF THE

ASSEMBLY

OF THE

State of New-York,

AT THEIR

FIFTY-SECOND SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, THE 6th DAY OF JANUARY, 1829.



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Journal of the Assembly.

STATE OF NEW-YORK,

ASSEMBLY CHAMBER, IN THE CITY OF ALBANY.

TUESDAY, JANUARY 6, 1829.

PURSUANT to the fourteenth section of article first of the constitution of this state, the gentlemen whose names in the following list are marked with an asterisk, appeared in the Assembly chamber. The said list contains the names of the representatives in assembly for the current year.

From the City and County of Albany.

*Chandler Starr,
*James D. Gardner,
*Moses Stanton.

From the County of Allegany.

*Azel Fitch.

From the County of Broome.

*Peter Robinson.

From the County of Cattaraugus.

*Flavil Partridge.

From the County of Cayuga.

*Henry R. Brinkerhoff,
*William H. Noble,
*Ephraim Hammond,
*Wing Taber.

From the County of Chautauque.

*Abner Hazeltine,
*Nathan Mixer.

From the County of Chenango.

*Amos A. Franklin,
Russel Case,
*Abel Chandler.

From the County of Clinton.

*Bela Edgerton.

From the County of Columbia.

*Henry W. Livingston,
*Abraham P. Holdridge,
*Peter Van Beuren.

From the County of Cortland.

*Gideon Curtiss,
*Alanson Carley.

From the County of Delaware.

*James G. Redfield,
*William S. M'Crea.

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From the County of Dutchess.

*Stoddard Judd,
*Tobias Teller,
*Elijah Baker junior,
*Stephen D. Van Wyck.

From the County of Erie.

*David Burt,
*Millerd Fillmore.

From the County of Essex.

*Ezra C. Gross.

From the County of Franklin.

*Luther Bradish.

From the County of Genesee.

*John B. Skinner,
Calvin P. Bailey,
*John Hascall.

From the County of Greene.

*Castle Seeley,
*Moses Austin.

From the County of Herkimer.

*Abijah Mann junior,
*John B. Dygert,
*Cornelius Sloughter.

From the County of Jefferson.

*Jere Carrier,
*Titus Ives,
*Fleury Kieth.

From the County of Kings.

*John Wyckoff.

From the County of Lewis.

*George D. Ruggles.

From the County of Livingston.

*Philo C. Fuller,
*Titus Goodman junior.

From the County of Madison.

*James B. Eldridge,
*William K. Fuller,
*John Williams.

From the County of Monroe.

*Heman Norton,
*Reuben Willey,
*John Garbutt.

From the Counties of Montgomery and Hamilton.

*Phineas Randall,
*Joseph Spier,
*Peter Young.

From the City and County of New-York.

*Abraham Cargill,
*Charles L. Livingston,
*Jacob S. Bogert,
*Mordecai Myers,
*Aaron O. Dayton,
*Nathan T. Arnold,
*William Al Burtis,
*Jacob G. Dyckman,
*Thomas L. Smith,
*John Van Beuren,
*Peter S. Titus.

From the County of Niagara.

*John Garnsey.

From the County of Oneida.

*Reuben Bacon,
*Fortune C. White,
*Benjamin P. Johnson,
*Eli Savage,
*Reuben Tower.

From the County of Onondaga.

*Lewis Smith,
*Johnson Hall,
*Samuel R. Mathews,
*Herman Jenkins.

From the County of Ontario.

*John Dickson,
*Robert C. Nicholas,
*Walter Hubbell.

From the County of Orange.

*Robert Fowler,
*James Waugh,
*Richard Graham.

From the County of Orleans.

*George W. Fleming.

From the County of Oswego.

*George F. Falley.

From the County of Otsego.

*Peter Collier,
*George Morell,
*Seth Hubbard junior,
*William Hall.

From the County of Putnam.

*Thomas W. Tailor.

From the County of Queens.

*Henry F. Jones.

From the County of Rensselaer.

*Henry Mallory,
*William P. Heermans,
*Martin Defreest,
*Nathaniel Barnett junior.

From the County of Richmond.

*John Vanderbilt.

From the County of Rockland.

*George S. Allison.

From the County of Saratoga.

*Gilbert Waring,
*Joshua Mandeville,
*Calvin Wheeler.

From the County of St. Lawrence.

*Harvey D. Smith,
*Jonah Sanford.

From the County of Schenectady.

*Alonzo C. Paige.

From the County of Schoharie.

*Valentine Efner, *Peter Hynds.

From the County of Seneca.

*Daniel Scott, *Septimus Evans.

From the County of Steuben.

*Randall Graves, *Henry Phœnix.

From the County of Suffolk.

*John M. Williamson, *David Hedges junior.

From the County of Sullivan.

*John Lindsley.

From the County of Tioga.

*Caleb Baker, Samuel Baragar.

From the County of Tompkins.

*Amasa Dana, *Samuel H. Dean.
*Jonathan B. Gosman,

From the County of Ulster.

*Abraham D. Soper, *Lodewyck Hornbeek.

From the County of Warren.

*William M'Donald.

From the County of Washington.

*John M'Donald, *Richard Sill.
*Robert M'Niel,

From the County of Wayne.

*Thomas Armstrong, *Jonathan Boynton.

From the County of Westchester.

*Aaron Brown, *Lawrence Davenport.
*Abel Smith,

From the County of Yates.

*Morris F. Sheppard.

Azariah C. Flagg, Secretary of State, then attended in the Assembly chamber, and duly administered to the members present, the oath prescribed by the sixth article of the constitution of this state.

The house then proceeded to choose by ballot, a Speaker; and the ballots having been taken and counted, it appeared that Peter Robinson was duly elected, and he was placed in the chair accordingly.

On motion of Mr. Savage,

Resolved, That Francis Seger be, and he is hereby appointed clerk to this house.

Thereupon,

The clerk took and subscribed the oath of office, and entered upon his duties as clerk.

On motion of Mr. Savage,

Resolved, That John C. Ellis be, and he is hereby appointed sergeant-at-arms to this house.

On motion of Mr. Ruggles,

Resolved, That James D. Scollard be, and he is hereby appointed doorkeeper of this house.

On motion of Mr. Savage,

Resolved, That Alonzo Crosby be, and he is hereby appointed assistant doorkeeper of this house.

On motion of Mr. Mann,

Resolved, That the rules and orders of the last house of assembly be adopted as the rules and orders of this house, until further ordered.

On motion of Mr. Edgerton—

Resolved, That the clerk of this house be directed to request the several clergymen of the city of Albany, having charge of congregations, to attend the opening of this house each morning by prayer, in such order as may suit their convenience.

Ordered, That Mr. Paige and Mr. T. L. Smith be a committee to wait upon the Governor, and inform him that this house has organized and is ready to proceed to business.

Ordered, That Mr. Bradish and Mr. Morell be a committee to wait upon the Senate with a like message.

On motion of Mr. Mann—

Resolved, That the clerk be directed to furnish to each member of this house, during the present session, such newspapers as they may respectively direct, not exceeding in price two daily papers, and defray the expenses out of the contingent funds of this house.

A message from the Senate, delivered by Mr. Viele and Mr. Hager, was received, informing that they were appointed a committee to announce to this house that the Senate had met and was ready to proceed to business.

Mr. Paige reported, that pursuant to the order of the house, Mr. T. L. Smith and himself had waited upon the Governor, and informed him that this house had met and was ready to proceed to business, and that the Governor had been pleased to say that he would immediately communicate his message to the Assembly.

Mr. Bradish reported, that pursuant to the order of the house, Mr. Morell and himself had waited on the Senate and informed them that this house had met and was ready to proceed to business.

A message from the Governor, delivered by his private secretary, was received and read, in the words following, to wit:

Fellow-Citizens of the Senate and Assembly:

I approach the high trust committed to my care, with a profound sense of the unmerited honor conferred upon me by the people, and an earnest solicitude to fulfil the obligations of gratitude which their favor has imposed. Associated with these feelings, is a consciousness of inferiority to that accomplished statesman, whose sudden removal from the post to which I have been called, excited the unfeigned regrets of the whole American People. These feelings are also greatly increased by the reflection, that my illustrious predecessor was himself preceded in this responsible station, by a succession of worthies, whose names and services are identified with the history of our state, and engraven upon the hearts of our people.

But relying, as I know I may, upon your able and patriotic co-operation; trusting to the indulgence of my fellow-citizens; and looking for direction and support to that kind Providence, by whose favor the humblest instrument may be made to accomplish the greatest ends, I pledge myself to you and our constituents, to make every effort of which I am capable, to promote the interest and advance the honor of the state.

In discharging that portion of the constitutional duty of the Executive, which consists in an obligation to communicate to the Legislature, at every session, the condition of the State, it is a source of sincere pleasure to have it in my power to congratulate you, upon the great and almost unmingled prosperity which we have enjoyed during the past year. It would be superfluous to dilate

upon the particulars of the general welfare, when addressing you, who come directly from the bosom of society, with full opportunities of observing the condition of the state—a condition certainly not surpassed in all that makes a country prosperous and its people happy, and which demands, as it will assuredly receive, our humble and grateful thanks to the Giver of all Good.

An absence from the state for the greater part of seven years; the want of official or other opportunities, to make myself fully acquainted with that portion of its various interests subject to your particular care; together with a desire not to occupy more of your time by this communication than is necessary, will induce me to call your attention at present to such topics only, as are of paramount importance, and fall within the appropriate range of state legislation.

In relation to many of these topics, and indeed to all the great interests of the state, your duties will be greatly lessened by the entire revision of our statute laws, which has been so recently brought to a close. Of the success and usefulness of this great work, it would, perhaps, be premature to speak; but it is a satisfaction to know, that those who have had the best means of judging, and are well qualified to decide, concur in commending the distinguished ability with which it has been performed, and anticipate with confidence, that it will be a source of great and enduring benefit to the state. Some unavoidable embarrassments will probably be found in the incipient stages of its operation; but that our most sanguine expectations will be realized in the end, there can be but little doubt. The unsurpassed zeal and assiduity of the learned and capable revisers who have been employed in the work, and the great industry and patriotic devotion of the two successive legislatures who have passed upon their labors, have been witnessed by all, and are, in an eminent degree, entitled to the approbation and thanks of the state.

The first subject that naturally presents itself to your consideration, is the condition of the finances of the state. The public funds are, the General Fund, the Literature Fund, the Common School Fund, and the Canal Fund.

Since the year 1825, we have had no state tax of any description. The expenses of the government are charged upon a revenue principally derived from the General fund. The capital of that fund is $1,670,740. For a few years past, this revenue has not been sufficient to defray these expenses. It appears to have been the policy of the state, to supply this excess of expenditure over the income, by appropriating a portion of the capital of the general fund to that object, rather than resort to the renewal of the state tax, or the imposition of other direct burthens upon the people. It is left to the wisdom of the legislature, to sanction the policy of permitting, as has heretofore been done, this annual and necessarily increasing deficit, to be supplied by a corresponding reduction of the capital of the general fund; or to provide an addition to the present revenue, that shall make it fully equal to the charges upon it.

The Literature fund is $331,609.82; and its revenue for the current year, is estimated at $21,074.48. The management of this fund, and the distribution of its income, are entrusted to the Regents of the University; under such restrictions, however, as to make the incorporated academies, and seminaries other than colleges, subject to the visitation of the regents, the exclusive objects of this munificent benefaction.

The productive capital of the Common School Fund, is about $1,700,000. Although the revenue has not, in any past year, been quite sufficient to pay the appropriation of $100,000, directed by law to be annually distributed to the common schools, it is believed that it will exceed that sum the present year.

The income of the Canal Fund for the year which has just terminated, can not at this time be precisely ascertained; but it is estimated to be about $1,210,387; of which $833,000 have been derived from tolls. The compensation paid to the various officers employed on the canals, the interest on the canal debt, and the expenses for repairs and damages, have amounted to about $790,632.

The present canal debt is $7,730,155.99. No part of it is payable till 1837, and the greater part of it not till 1845 and 1846. Since the completion of the Erie and Champlain canals, the commissioners of this fund have been enabled,

from its surplus revenue, to discharge $384,615 of the canal debt, by paying a loan that became due, and by purchasing and extinguishing a part of the stock of loans that are not yet reimbursable; and they have now on deposite, and invested in other stocks, $625,982. The revenue of the last year has been sufficient to defray the expenses of keeping the canals in a good condition; to pay the interest on the canal debt and the salaries of the officers and agents employed on them; and to yield a surplus of $419,055; and there is most abundant reason to anticipate a like favorable result for the present year.

It was reasonable to expect that the success which has so happily crowned our efforts in the great work of internal improvement, should lead to earnest solicitations for its continuance. Several applications embracing that object, have consequently been made to former legislatures, and will be renewed at the present session. The propriety of recommending them to your support, has been suggested to me, particularly by the friends of the State Road, and the Chemung and Chenango canals; objects which have already occupied the attention of the legislature, and excited a deep interest in the public mind.—The applicants for the Chenango canal, have transmitted to me a report from Mr. Wright, an engineer of great celebrity and acknowledged capacity. This report (which will doubtless be laid before you) is founded upon a review of the surveys, charts and estimates of other engineers, aided by a personal examination of the route of the canal, and throws new and very encouraging light upon that subject. But destitute as I am of that full and precise information, which alone would justify me in forming an opinion on particular applications, my duty, in the light in which I regard it, will be better discharged by submitting to you a general view of the considerations which ought to influence our deliberations.

In relation to the policy of applying such portions of the means of the state (including a judicious use of its credit) as can be spared from other necessary objects, to works of internal improvement, there can not, I think, be any serious diversity of opinion amongst us. Whatever attempts may be made to divide us into parties upon this subject, it is nevertheless true, that so great is the concurrence of opinion thereon, that it is extremely improbable that a single well-informed citizen can be found, who is justly obnoxious to the charge of hostility to measures of that character.

Differences of opinion do, it is true, exist, as to the source from which, according to the true construction of the federal constitution, rightful authority to prosecute works of this description, can alone proceed—as to the expediency of that authority being vested in the federal or state governments, arising from the supposed relative capacities of those governments to carry them on with advantage—and as to the practicability and expediency of particular schemes. It would be strange indeed, if diversities of sentiment upon these points were not to be found. But their existence in no degree militates against the general position I have advanced.

It deserves to be considered how far the claims now made in this respect, are fortified by the course which has been heretofore pursued.

The Erie and Champlain canals were undertakings of the greatest magnitude, involving, in their commencement, a hazard, and in their completion, a responsibility, on the part of the whole people of this state, of unprecedented extent. Although the advantages that have resulted from their construction are gradually diffusing themselves over almost every part of the state, it must in candor be admitted, that all are not equally benefitted by the facilities they afford. These considerations are relied upon, and not without reason, as justifying a claim, that the local advantages derivable from such improvements, should be equalized, as far forth, and as rapidly, as can be done, consistently with the localities and a proper regard to the ability of the state. We must not, however, be unmindful of the imperative obligation resting upon us, to observe the utmost prudence and circumspection in our legislation upon this delicate and vitally interesting subject. The success of this state in the commencement, prosecution and completion of her public works, has exercised an important moral influence over the conduct of our sister states. It has encouraged, and

is still encouraging, similar efforts throughout the Union; and it is reasonable to apprehend, that a failure here, where so far, every effort has been crowned with success, would, in addition to our loss at home, be productive of serious injury to the cause of internal improvement throughout the country. Whilst, therefore, we should not shrink from incurring all reasonable hazards for the benefit of those of our fellow-citizens more immediately interested, no consideration, however imposing, should lead us to commit the interest and character of the state to the promotion of any undertaking, in the practicability of which there is not the clearest reason to confide, or which, when accomplished, would be of doubtful utility.

I can not dismiss this subject without adverting to the advantages it will receive from the liberality, moderation and unprejudiced coolness of your discussions. The feelings which characterize them, will be communicated to our constituents, and a more creditable as well as a more auspicious state of things produced, than has hitherto been witnessed. There can be no reason to doubt the disposition of any representative of the people, to aid in the improvement of any portion of the state, other than that which he more immediately represents, if his judgment can be satisfied of the feasibility of the proposed measure, and that the expense of its accomplishment, would correspond with its probable utility, and be suited to the means of the state. The free spirit of our political institutions, and those social and liberal feelings which should always distinguish our deliberations, allow him the exercise of his unbiassed judgment upon that point, leaving him responsible only for the purity of his motives and his fidelity in the discharge of his public duties. Any other course must be injurious to all the interests involved. If honest differences of opinion on these points, in regard to which there is frequently so much room for diversity, are allowed to alienate the affections of men, who, on other great subjects of public concern, adopt the same sentiments—if the means taken or attempted for the improvement of the state, are permitted to produce sectional jealousies and bitter local feuds—a state of feeling will be ultimately produced, destructive of the great object in view, and deeply mortifying to all who have the honor and prosperity of the state sincerely at heart.

It will doubtless be attentively considered, how far the public burthens arising from the construction of works of this character, may be relieved, and the efforts of the state judiciously aided, by the encouragement of individual associations for the same purpose. The leading case in which this policy has of late years been adopted, is that of the "Hudson and Delaware Canal Company." It gives me sincere pleasure to be able to inform you, that it has in this instance been crowned with the most cheering success. From the official statements of the company, confirmed by the personal inspection of two of the officers of the government, the Secretary of State and Comptroller, it appears that a canal, well adapted to the purposes for which it is designed, connecting the waters of the Hudson and Delaware rivers, extending eighty-one miles in the state of New-York, and nearly twenty-five miles in the state of Pennsylvania, commenced by that company in 1825, was fully completed in the month of October last; and that a rail-road of sixteen miles, designed to connect the canal with the valuable coal mines at Carbondale in the state of Pennsylvania, is in progress, and will probably be completed in the month of June next.

It is unnecessary that I should enlarge upon the advantages which are confidently anticipated from the construction of this work, not only to the section of the country through which it passes, but to other portions of the state, by the facilities it will afford to procure a cheap and valuable fuel; as the whole subject will be fully laid before you by the company, in support of an application which it is their intention to make at the present session. The cost of the canal is said to have been $1,875,000; of that sum, five hundred thousand dollars have been obtained upon the credit of the state, which holds for its security, the first lien upon the canal.

There is no reason to apprehend the slightest loss or inconvenience from the measure already adopted to assist this company. How far you can, consistent with other claims upon your favor, extend the relief they will ask, will, I am confident, receive an impartial examination and just decision at your hands.

The liberal endowments from time to time granted to our scientific and literary institutions, have added much to the character of the state, and reflected high honor on the enlightened counsels under whose auspices they were made. Although sometimes improvident, and occasionally unsuccessful, their general results have been highly auspicious to the great cause they were meant to subserve, and afford the strongest encouragement to a faithful perseverance in the same wise and liberal policy.

The more direct agency of the government in conducting the affairs of the common schools, as well as the more extensive range of usefulness that belongs to those very valuable elementary institutions, require a fuller statement of the different matters that appertain to that system, and concern its administration.

The returns in relation to them, exhibit the most gratifying results. The number of organized schools is 8,122; in which 467,947 scholars have been instructed during the past year, for an average period of eight months. The number of children between five and fifteen, in the same districts, is 439,127; shewing an excess of those instructed, over the whole number between five and fifteen, of 21,317. The increase since the last annual return, of those attending the schools, is 26,101; and of those between five and fifteen, is 20,211. The whole amount of public money paid to the districts during the same period, is $232,772.

The question as to the renewal of the bank charters which are about to expire, will deservedly receive your early and most deliberate attention. I do not, I think, deceive myself in believing that it must become the important business of your session, upon a wise and successful disposition of which, its credit with the people and usefulness to the state, will materially depend. Having for many years ceased to have an interest in those institutions, and declined any agency in their management, I am deeply conscious of my want of that sort of information, which is so important in forming an intelligent and safe opinion upon the subject. Thus impressed, I should have contented myself with simply bringing the subject to your notice, did I not feel bound to communicate freely and unreservedly, with those with whom it is my duty to act, on a matter of such vast magnitude to our constituents.

Of the forty banks now in operation in this state, the charters of thirty-one expire within one, two, three and four years, but chiefly within two and three years. From the best information that can be derived from the returns made by the banks whose charters are about to expire, their collective capital actually paid in, amounts to fifteen millions of dollars; and the debts due to them, to more than thirty millions. The debts due from these institutions to the community, including their stockholders, may be safely estimated at about the same amount.

As to the propriety of making a final disposition of the whole subject at the present session, there appears, so far as I can learn the public sentiment, to be but one opinion. The injurious consequences that may justly be apprehended from delay, seem to have impressed every mind, and to have produced a general expectation that the solicitude so properly felt upon this grave matter, will be relieved by your early decision.

Should your opinion correspond with this view of the matter, a question will arise as to the course which ought to be pursued under existing circumstances. The difference between that question in the present condition of things, and what it would be if you were called upon for the first time to lay the foundation of a banking system for the state, will readily occur to you. What might in that case be expedient, may now, from the length of time which the present system has been in operation, and the tendency which all pecuniary concerns have, to conform themselves to existing regulations, be found very difficult, if not not impracticable. To dispense with banks altogether, is an idea which seems to have no advocate; and to make ourselves wholly dependent upon those established by Federal authority, deserves none. If these are correct views, the only alternative would seem to be, between a renewal of the charters of the sound part of the existing banks, or to anticipate the winding up of their concerns by the incorporation of new institutions.

In support of the latter course, the idea of a state bank, with as many branches as public convenience would require, has been very properly thrown out for public consideration. If by a state bank is intended an institution to be owned by the state, and conducted by its officers, it would not seem to require much knowledge of the subject, to satisfy us that the experiment would probably fail here, as it has elsewhere. The reasons for this apprehension are so cogent in their nature, so constant in their operation, and of such ready occurrence to intelligent minds, that I shall not detain you by stating them.

Experience has shewn that banking operations, to be successful, and consequently beneficial to the community, must be conducted by private men, upon their own account. A state bank, with branches established upon the same principles, in other respects, as the present institutions, and in which the state should stand as a private stockholder only, would probably better subserve the interests intended to be promoted by the establishment of banks, than the present system; and if the question was a new, and in all respects an open one, would doubtless have many advocates. But we cannot close our eyes to the difficulties and pecuniary embarrassments that must result from suddenly stopping the operations of so many and such long established institutions. Of the thirty millions that are owing to them, the principal part is probably due from merchants, manufacturers, and other large dealers in their vicinity; but they in turn have their demands against persons pursuing similar business in the country, and those again must look to their customers; thus embracing all classes of society, in the liability to contribute towards a general settlement. The amount due from the banks, especially all that portion which consists in bills issued by them, would be found scattered through the whole community.

From even this superficial view of the subject, it must be evident to all reflecting minds, that the pecuniary convulsion that must result from a compulsory close of these extensive concerns, would be neither slight in its degree, or transient in its duration. You will, I am convinced, concur with me in the sentiment, that a responsibility of so serious a character, and so fearful in its possible consequences, should not be incurred on slight grounds, or from motives of expediency in the least degree questionable. Of the inducements to such a step, it is your right and your duty to judge; and I sincerely hope, as I firmly believe, that your constituents will, in the end, have reason to rejoice, that a trust so sacred has been reposed in hands so deserving.

If you should decide in favor of renewing the charters of those banks whose solvency and present capacity to discharge all their duties, shall, after a rigid and impartial scrutiny, be found free from doubt, it will become necessary to consider the conditions upon which the new grants ought to be made.

The policy heretofore pursued, of requiring the payment of a large *bonus* to the state, or the performance of some specious service, as the price of bank charters, is condemned by experience. A statement of the injurious consequences that have resulted from it, can not be necessary. The unbiassed judgment of all observing and thinking men, must concur in regarding it as an expedient, from which no good has resulted. Its tendency has been, and must always be, to weaken the security of the public in those institutions, for the performance of that in which the public interest mainly consists—the faithful redemption of their paper. Eager to obtain a charter, and stimulated by the golden harvest in view, they are most liberal in their promises. If these promises are performed, the capacity of the bank to redeem its paper is impaired, and the consideration that such incapacity is caused by the exaction of the government, not unfrequently leads to unreal dividends and fraudulent advances of the stock in the first instance, and to disreputable failures in the end; failures by which those classes of the community, who stand most in need of the protecting care of a good government, are usually the principal sufferers.

Strongly impressed by these considerations, I respectfully suggest the propriety of making all the conditions you prescribe, refer exclusively to the safety and stability of the institution.

The conceded difficulty of effecting that great object through the means proposed, should not deter us from the attempt. In all our deliberations upon

this subject, we should keep constantly in view the important consideration, that the solvency of the banks, and the consequent stability of their paper, is the principal and almost the only point, in which the public has much interest. Who are the particular recipients of your favor, is a matter of minor importance. The number of the stockholders in comparison with the great body of the people, is so very small, and the stock is so constantly changing hands, that the equity of its original distribution becomes a comparatively unimportant matter. Our chief duty in this respect, is, to see that the farmer, when he exchanges his produce or estate—the mechanic his wares—the merchant his goods—and all other classes of the community their property or services for bank paper,—may rest contented as to its value.

Provisions invalidating all confidential assignments or trusts of any description, imposing severe penalties upon acts designed to divert the funds from the appropriation which in justice and policy ought to be made of them, are of value, but necessarily restricted in their operation. The importance of some more efficient safeguard, has been felt by former legislatures, and they have endeavored to obtain it through the medium of a personal responsibility of the stockholders. But it is objected, that the practical operation of such a provision would be, to defeat the object in view, by throwing this species of property, and of course its management, into the hands of irresponsible men. When it is considered that the dividends do not always, and seldom much, exceed the lawful interest—that the responsibility which the stockholders would necessarily have to place in others, would be disproportionate to the advantages secured, and that it is rarely, if ever, possible to reach the property of those who fail, through such means, it is greatly to be feared that the experiment, if tried, would be unsuccessful. The disastrous consequences necessarily flowing from such a result, need not be stated.

You will, I am persuaded, give the subject your utmost attention; and, by the application to it of your long experience in such matters, be able, I hope, to devise some mode by which the public interest will be secured. It is unnecessary that I should say, that any plan that is proposed by you, that shall be preferable to those to which I have referred, shall receive my cordial and cheerful co-operation.

My own reflections upon this point, have derived much assistance from a sensible and apparently well considered plan that has been submitted to me, and which will, in due season, be laid before you. I have every reason to believe that the suggestions come from a disinterested source, and have the public good for their leading object. The limits of this communication will not allow me to do justice to its details, or to the argument by which it is supported. It proposes to make all the banks responsible for any loss the public may sustain by the failure of any one or more of them. It suggests provisions by which that result may be reached, as far as it respects the banks whose charters are about to expire, and be ultimately made universal, or nearly so. The idea is not entirely new to the commercial world, although it has not heretofore been applied in this form. Most men will, upon the first impression, view it, as I certainly did myself, as presenting a rigorous condition. But it is confidently believed by competent judges, that the form in which it is proposed to enforce the responsibility—being an annual and adequate appropriation of a part of their income towards a common fund, to be placed under the control of the state—the ample supervision over the institutions, which it proposes to place under the direction of the contributing banks, in conjunction with the authority of the state—the consequent high character and correspondent circulation it would give to our paper—the expulsion from circulation of the doubtful paper which now engrosses it, and the substitution in its place of that issued by banks in full credit—with other advantages, would make the condition such as would, upon more full consideration, be deemed admissible by all concerned. But of all these matters you will judge for yourselves. Every scheme submitted to you, should undergo the severest scrutiny; because, from the nature of the subject, a mistake committed in regard to it, must be more injurious than in relation to any other matter.

Our duties in this great concern, may truly be said to be full of delicacy, and surrounded by difficulties. But it is our consolation to know, that if the field of duty is beset with dangers, there are enduring honors that lie beyond it. The interest which attaches itself to the representative character, can never be greater than when a fulfilment of the trust committed to the representative, may bring him in conflict with the claims of the great monied interests of the country. Where can we find a political exhibition more truly gratifying, than to see the faithful public servant, after having turned away every approach, and put far from him every sinister consideration that could divert him from the discharge of his duty, return to his constituents, conscious that he deserves, and feeling that he possesses, their unabated confidence? I sincerely hope that such may be the good fortune that awaits our conduct. We have every thing to stimulate us to perseverance and fidelity. We are members of a state that is rapidly progressing in improvement, in public spirit, and in all the attributes of a great and flourishing republic—a state, of which, without exposing ourselves to the imputation of vanity, we may be proud to call ourselves citizens. We shall, I trust, shew ourselves worthy of this exalted privilege, by guarding, with sleepless vigilance, its interests, its honor, and its future glory.

Allow me also to call your attention to another subject, in which the state has an interest that deserves your notice. I allude to the duties derived from sales at auction. The amount of revenue received from that source during the last year, is two hundred and fifty-seven thousand one hundred and eighty-seven dollars and forty cents; and for the last five years, has amounted to one million three hundred and nine thousand seven hundred and sixty-eight dollars and eighty cents. Its appropriation for the latter term, has been as follows: To the canal fund, one million one hundred and forty-two thousand two hundred and sixty-eight dollars and eighty cents; to the hospital in the city of New-York, one hundred and twelve thousand five hundred dollars; for the support of foreign poor in that city, fifty thousand dollars; and five thousand dollars to the Economical School and Orphan Asylum.

A numerous and very respectable class of our citizens, who think themselves aggrieved by the existing regulations, have applied to congress for the imposition of a federal duty of ten per centum, with the avowed design of destroying the business altogether. It is respectfully submitted, whether the amount of revenue derived from this source by the state; the valuable purposes to which it is appropriated, and the difficulty of supplying its place, should not induce you to consider, whether measures may not be adopted by you, which, whilst they save the interests of the state, would at the same time respect those of the complainants.

The leading objection that is made to the present system, is, that the business of selling goods at auction, in the mode now practised, is, to every essential purpose, the occupation of a merchant; and that therefore sales by auction, as regulated by our law, constitute a monopoly, securing all the advantages of that branch of trade to a few individuals, to the exclusion of the rest of the community. Whatever reasons may have existed at the commencement of our system, for making the privilege of selling by auction exclusive, they are certainly not very apparent at the present day. Fully convinced of the general injustice and inexpediency of commercial monopolies, and apprehending that there is reasonable cause to regard sales by auction, as at present regulated, objectionable on that score, I respectfully submit to your consideration the policy of so modifying the existing law, as to allow every citizen, who can give security for the duties, to sell at auction by wholesale only, upon a license to be obtained from some proper tribunal, to be for that purpose designated and empowered by law. Such is now the law in several of the largest states; and there is no reason to believe that their regulation has been less advantageous than ours.

That such a provision, whilst it secured and probably improved the revenue of the state, would obviate the leading objection that is made to the present system, is undoubted. It would not, however, of itself, reach all the grounds of complaint that are urged. Many of them consist of alleged mal-practices.

in the mode of conducting those sales, which may be reached, and can only be remedied, by state legislation. Those who object to the present system, do, it is true, attribute to it other injuries to trade, and of a character which could not be reached by any law that you could pass, short of an entire prohibition of sales by auction. The allegations that are made in this respect, may all be well founded; and the respectability of the source whence they have proceeded, leaves no doubt of the sincerity with which they have been advanced. But those who make them, are too enlightened not to be sensible, and would be too candid not to admit, how often it is, that we find measures that have become obnoxious to any portion of the community, made responsible for results which, it is found in the sequel, they have had no agency in producing. This may be so in the present case; and it would at all events seem to be in season, after an experiment of the effect of the alteration now suggested, to consider what further provision is necessary, and may be adopted, with a just regard to the interests of all.

I should disregard the admonitions of recent experience, and fail in my duty, were I not to bring to your notice the state of the laws by which our elections are at present regulated.

At our last election, there were polled more than 276,000 votes; a number nearly double to that of any other state in the confederacy, and constituting the largest free suffrage of any single government in the world. To protect the freedom, preserve the purity, and regulate the exercise of such a suffrage, deserves to be ranked among the leading objects of our care. The range that is given to the influence of this privilege by our system, has no other limit than the extension of political power. Wherever the one exists, the other is felt also. Thus reaching from the chief magistrate of the Union, to the most inconsiderable municipal officer, its discreet exercise must of necessity frequently involve principles of action of a character entirely dissimilar. In some cases, great and difficult questions of national and state policy are put at issue; whilst in regard to others, it is a mere dispute as to the relative capacities of individuals for the discharge of specific duties. It is not to be hoped that electors coming to the polls under the pressure of such dissimilar motives, will exercise their privileges as discreetly as might, under different circumstances, be expected. But we are not left to conjecture upon the subject. We have complaints from numerous sources, of the injurious consequences that have resulted from the practice of choosing our federal, state, and county officers at the same time—a practice which is pursued in no other state in the Union. Many instances may be referred to, where the public mind has been wholly engrossed by the election of a county or town officer, whilst the subject of President of the United States was in a great degree lost sight of. Allow me, therefore, to suggest for your consideration, the propriety of amending our election law, in this particular, so far at least, as to direct the choice of electors of president and vice-president to be held at a time different from any other election. Recent events have made so strong an impression on the public mind, and provoked so free a discussion, in relation to our present district system for the choice of electors, as to render any observations from me unnecessary to secure your prompt attention to that subject.

There is another matter connected with this subject, of a still graver character, and upon which I must ask to be indulged in a few observations. I allude to the extent to which the use of money at our elections, has increased within a few years. I do not mean to affirm, that as yet direct corruption has to any extent been practised; on the contrary, I hope that such has not been the case, nor is it necessary that the evil should have arrived at that height to require your interposition. The practice of employing persons to attend the polls for compensation, of placing large sums in the hands of others to entertain the electors, and the various other devices by which the existing laws are evaded, the cupidity of the electors strongly tempted, their principles undermined, and the elective franchise, the most valuable of all our temporal privileges, brought into disrepute, is too well known to need description. I cannot refrain from pressing the existence of these practices upon your consideration,

as an evil of the greatest magnitude. Of the salutary agency of this privilege in the purification of our public councils, and its indispensable necessity to the maintenance of public liberty, no citizen can be insensible; and we should all be alive to the obligation that rests upon us, whose enjoyment of it is so unlimited, to preserve it from the dangers to which it may at any time be exposed. The allowance of such means is giving to wealth a superiority over virtuous mediocrity, that should excite apprehensions in the mind of every real friend to the equal rights of man. If the expenses of our elections continue to increase with the same rapidity that they have done for some years past, the time will soon arrive when a man in middling circumstances, however virtuous, will not be able to compete, upon any thing like equal terms, with a wealthy opponent. The evil is certainly within the reach of legislation. Evasions of any law that you may pass, will, without doubt, take place; but their range can be greatly circumscribed, by the discreet and intelligent action of the legislature. I respectfully submit it to your consideration, whether a law which should impose severe and enforceable penalties upon the advance of money by individuals, for any purposes connected with the election, except the single one of printing, would not be salutary in its consequences, and is not called for by the deep interests that our constituents have in the subject?

It is unnecessary to say that these observations are not intended to have reference to any one class of men, more than another. If injurious practices have existed in this respect, it is not probable that they have been confined to any description of politicians.

I transmit herewith a report from Mr. Mosely, who was, in pnrusuace of an act passed in April last, and which will expire in May next, appointed special attorney, to make certain inquiries and perform certain duties, in relation to the abduction of William Morgan. Of his fate we have as yet no positive evidence; but it is certain that the laws of the state have been violated in his person, if not the highest crime committed. That an act so alarming in its character—so destructive of the peace of society, and the safety of its members—should have made a deep impression upon the public mind, ought not to surprise us. It would have been an unfavorable indication of the state of our public morals, and our respect for the laws, had it been otherwise. We have accordingly witnessed an excitement upon the subject, of great interest and extent, amongst a portion of our citizens, greatly and justly distinguished for their piety, industry and intelligence. It would not be extraordinary if attempts should be made to pervert this honest indignation of the people, to selfish and sinister purposes. But the character of those who really feel what they profess upon this subject, affords the best security, that the success of such unworthy schemes cannot be great, or of long duration.

It is the duty of those to whom the people have delegated the sacred trust of executing their laws, to see that no constitutional means are left unemployed, that may contribute to exonerate the innocent, and satisfy the requirements of the law, by bringing down judgment and punishment upon the heads of the guilty. Whatever portion of those duties devolves upon me, shall be discharged with diligence and fidelity. It will be for you to consider whether, to that end, any further legislation is necessary.

An opportunity was recently presented to me, through the politeness of the managers of the Society for the reformation of juvenile delinquents, to visit the house of refuge established by that society in the city of New-York. The public are indebted for the original establishment of this institution, to the benevolence of the association; and it has subsequently, in consequence of its obvious and great usefulness, and the extension of its operations to the state at large, received the patronage of the legislature. Of its salutary agency in promoting the objects of its establishment, there can be no doubt. The nature of this communication will not allow me to present you a more particular statement of its beneficial results, but they will be fully laid before you by the society, on an application which it is their intention to make for your interposition. The nature of the relief to be asked, is such as will enable the institution to conduct its operations with more stability and success, without, as the ma-

nagers suppose, materially increasing the present allowance made by the state. I should do injustice to my convictions of duty, if I failed to recommend this praiseworthy establishment to the protecting care of the legislature. Permit me also to suggest for your consideration, the expediency of extending this system throughout the state, under such modifications as may be thought proper.

I have been requested to present to your notice, the condition of several of the numerous institutions for the promotion of literature, science and the arts, with which our state happily abounds. Some have desired it with a view to applications they design to make for your assistance, and others from the laudable motive of bringing into more general notice, the success with which their meritorious labors have been rewarded. I have to regret that the necessary limits of this message, put it out of my power to comply with their wishes. Such as require it, will be noticed in subsequent communications, together with several other matters of public concernment upon which it may become your duty to act.

The abiding obligations to do every thing within the range of our respective authorities, to protect the great interests of agriculture, commerce and manufactures, will, I am confident, be duly respected by you. In relation to the former and most important of these interests, I have been solicited to renew a suggestion made by my predecessor, submitting to the legislature the propriety of granting a bounty for the encouragement of the growth of hemp. Of the effects that will be produced upon the latter by the act of congress passed for its relief at the last session, it would, I am convinced, be yet premature to judge. If its operation can derive aid from any legislation on your part, or any other advantage be obtained, it will, I am well satisfied, be your pleasure, as it will be your duty, to afford all the assistance in your power, to this great and valuable interest.

The great importance of a full and extensive publication of those parts of the Revised Statutes, which are of more general application, and in respect to which, the most important alterations have been made of the existing laws, can not fail to occur to you, and will, I hope, receive your early attention.

My elevation to the station which, by the favor of the people, I now enjoy, makes it necessary that I should resign the office of senator in the congress of the United States. You will, therefore, please to regard this as my resignation of that high office; and allow me to accompany it with an expression of my sincere thankfulness for the undeserved honor conferred upon me by two successive appointments, and my regret that it has not been in my power to make myself more useful in the discharge of its important and responsible duties. The nature of those duties are so well understood, and so fully appreciated, that it is scarcely necessary that I should ask you, in supplying the vacancy, to remember, that there are but few if any public stations in this country, presenting a fairer field for the successful exercise of great talents and sound patriotism, than that now referred to.

Allow me, in conclusion, to submit some observations of a more general character. That a jealousy of the exercise of all delegated political power, a solicitude to keep public agents within the precise limits of their authority, and an anxious desire to see all public expenditures under the control of a rigid and scrupulous economy, are indications of a contracted spirit, unbecoming the character of a statesman, is a sentiment that most men at some period of their lives, are prone to entertain. I can not claim to have been always exempt from its influence. But the limited experience which it has been my fortune to have in public affairs, has abundantly satisfied me that it is a political heresy, which can not be too soon or too effectually exploded.

It was truly said by one of my predecessors in office, who was one of the most distinguished and efficient of the civil patriots of the revolution, that "few "circumstances are more essential to the duration of civil liberty and the well-"being of a free people, than that the departments and officers of the govern-"ment do, on the one hand, exercise on proper occasions, all the powers "and authorities constitutionally committed to them; and on the other hand,

"that they do not exercise on any occasion, powers and authorities which are "not constitutionally committed to them." The enforcement of these excellent and saving principles, so far as they relate to most of the departments of the government, rests with you, and with the right is the duty to exercise it.

It is also a truth, confirmed by the experience of this, as well as every other country, that no people are so well served, as those whose laws exact the most strict accountability from their public servants, and enjoin frugality in expenditures as a cardinal political virtue. Acting upon these principles, I do not hesitate, in fulfilment of the duties imposed upon me by the constitution, to recommend to you the propriety of a faithful survey of the existing laws relating to the powers and duties of public officers, and the enforcement, as far as possible, of strict conformity to their provisions—of limiting, as far as practicable, the range of official discretion, always remembering, that as a general rule, it can not be confided to any one, without danger of abuse—of ascertaining whether the securities now required from those entrusted with public monies, may not be increased—of making the instances in which the government releases those, who, forgetful of the sacred character of their trust, wrongfully apply the public funds to their own use, as rare as may be consistent with the claims of humanity—and, generally, of compelling a vigilant accountability, and strict economy in the public disbursements through all their ramifications. There is no reason to apprehend impediments to a successful administration of the government, through unreasonable jealousies upon these points. As long as public sentiment, the great lever of our political machine, remains as now, intelligent and patriotic, we need not fear that any measure with which the public interest is essentially connected, will fail of support.

Let me not, however, be understood as inculcating any thing like parsimony or injustice of any description, towards the servants of the public. The difference between that course and the one I have referred to, is wide and palpable. Although it is incompatible with the spirit of our political system, that the emoluments of office should be such as to enrich the incumbents, it is nevertheless due to its character and preservation, that our public functionaries should receive a just equivalent for the services they render. It is your province to decide whether such is now, in all respects, the case. I have no reason to believe that the gross amount received by the public officers of this state, is not an adequate recompense for their services; but I am fully persuaded that the compensation allowed by our laws, is unjustly and unequally distributed. The salaries paid to the chancellor and judges of the supreme and circuit courts, in particular, is less than what is paid to judges of the same grade in several of the states of the Union; and considering the expenses to which they are unavoidably exposed, I fear insufficient to save them from actual loss. I do not believe that our constituents could reconcile it to that strong sense of natural justice, by which they are influenced, to receive the entire services of any of their fellow-citizens, without yielding them a compensation at least sufficient for their support; and I am yet to learn, that they would wish to see a rule applied to their public concerns, of which they would not approve in those that are personal. I have therefore no hesitation in saying, that any bill which shall correct the inequality that at present exists, and place the salaries of those to whom I have particularly alluded, upon a just footing, shall receive my cordial concurrence.

The relation in which we stand to the Federal Government, occasionally imposes upon us the discharge of delicate and highly responsible duties. Of the invariable disposition of this state to sustain the federal arm, in the exercise of all its constitutional power, it would be superfluous to speak; it has been fully exemplified both in peace and in war. But whilst we thus evince our unabated loyalty to the general government, we must not be unmindful of our obligations at home, or forget that it is only to the principles upon which the confederacy was based, and which were intended to be enforced by the provisions of the federal constitution, that our support is justly due. As the theory of our general government was without precedent, its practical operation could only, at the period of its formation, be matter of conjecture. The motives of those who

framed it, were, doubtless, of the purest and most elevated character. The great question that was agitated by them, was the distribution of the powers necessary to good government between the federal and state authorities; and the conflicting speculations of the men of that day, as to what was to be hoped and feared, from those respective sources, divided them into parties, which have continued without material alteration to the present period. The experience of forty years has vindicated and fully sustained the opinions and principles of those, who, at that time, insisted that the tendency of the system would be to encourage encroachments by the federal power upon that of the states. That tendency may well be regarded as the imperfection of our otherwise most happy system, and deriving force from principles of a kindred character, it may always be expected to disturb it. But it is at the same time gratifying to have witnessed a willingness as well as a capacity on the part of the people to resist such encroachments as often as their existence becomes manifest. Of that disposition and capacity our political history records at least two prominent and illustrious instances. As long as the good spirit that triumphed on those memorable occasions is preserved, the republic will be safe. That it may always be preserved, should be the unceasing prayer of every patriot. The state governments have been justly described, by one of the best of men, as "the most competent administration for our domestic concerns, and the surest bulwarks against anti-republican tendencies"—and it is among our highest duties as the representatives of a state, certainly not the least considerable of the number, to exercise the greatest vigilance in their preservation. That those who are either regardless of the success of the republican principle, or whose love for it is merged in other considerations, should decry the solicitude that is manifested upon this subject, and seek to discredit its authors, is naturally to be expected. But the sincere friends of our hitherto successful system, may well find consolation in the fact, that its defenders are neither to be deterred or intimidated by such efforts, and that the people have sustained, and will again and again, support them.

The influence of the recent contest for the Presidency, upon the success and permanency of those principles, must, for a long time to come, be of a very decisive character. Of that great struggle, it may truly be said, that if it brought with it much to regret, it has also afforded subjects for congratulation, without reference to its particular result. Ours is the only nation in the world which can fairly be said to enjoy the high privilege of selecting its chief magistrate, by the unbiassed choice of its citizens. That the exercise of a right, so interesting in its character, and so important in its results, would disturb the body politic in all its relations, was to have been anticipated, and in the present instance, has been fully realized. It is certainly true, that the reputation of the country has in some degree suffered from the uncharitable and unrelenting scrutiny to which private as well as public character has been subjected. But, on the other hand, the injury produced by this discreditable exhibition has been relieved, if not removed, by seeing how soon the overflowing waters of bitterness have spent themselves, and that already the current of public feeling has resumed its accustomed channels. These excesses are the price we pay for that full enjoyment of the right of opinion, which is emphatically the birthright of an American citizen. It is with perfect deference to that sacred privilege, and in the humble exercise of that portion of it which belongs to myself—with a sincere desire not to offend the feelings of those whose views in this respect differ from my own—that I beg leave to congratulate you, and through you, our constituents, on the result of the late election for President and Vice-President of the United States: A result which, while it infuses fresh vigor into our political system and adds new beauties to the Republican character, once more refutes the odious imputation that Republics are ungrateful; dissipates the vain hope that our citizens can be influenced by aught save appeals to their understanding and love of country; and finally, exhibits in bold relief, the omnipotence of public opinion, and the futility of all attempts to overawe it by the denunciations of power, or to seduce it by the allurements of patronage.

MARTIN VAN BUREN.

Albany, January 6, 1829.

MR. MOSELEY'S REPORT.

To His Excellency the Governor of the State of New-York:

The undersigned having received a commission from the executive department of the government, under the act passed on the 15th April, 1828, deems it proper, as well to comply with what may be considered an implied requisition of the law imposing special duties, as to meet a resonable public expectation, to report to that department the progress which has been made under it, so far forth as the present condition of the subject renders it practicable.

In proceeding to "institute inquiries concerning the abduction of William Morgan, and his fate subsequently thereto," as enjoined by the act, the first question which presented itself was, whether the statute contemplated an original and primary course of legal prosecution, or to embrace the subject in its subsisting condition? At the time of the passage of the law, one indictment in relation to the transaction, had already been brought to a successful termination, and others had been recently presented before the proper tribunals. To disregard these and commence anew, would seem to be a work of supererogation, and to a certain extent, would render the law ex post facto in its operation. The alternative was to proceed with the investigation in the suits already instituted, and this has been done in those cases in which there was good reason to believe they were founded upon a sufficient legal basis.

In relation to the first branch of the inquiry, the prosecutor has proceeded with as much diligence as the facilities afforded by the organization of the courts of law would admit.

One indictment has been tried, which resulted in the conviction of the party charged, and in which suit a question of law is reserved for the decision of the supreme court. At the sittings of the court of oyer and terminer in and for the county of Niagara, in November last, several other causes were prepared and ready for trial, but which were necessarily postponed, upon the application of all of the defendants, in consequence of the absence of witnesses whose testimony was proved to be material. Two other indictments have been delayed in consequence of the sittings of courts in different counties in the same week, and the intrinsic difficulties attending them. However desirable it might have been to have brought this investigation to a close during the current season, the delay arises from the necessary imperfections of human systems, a sacred regard to the principle, that every one is presumed to be innocent until his guilt is established, and the preservation of rights, which men, though charged with crime, may constitutionally protect.

The voluminous nature of the testimony taken would seem to forbid its introduction into a communication of this kind; besides it is somewhat inchoate, and would be ex parte in its statement. Certain facts, however, appear to be affirmatively established. In pursuing their investigations in the physical sciences, men yield not their assent to propositions until their truth is evidenced by experience or demonstration. But in asserting civil rights, and in the conviction and punishment of offences against the laws, we necessarily resort to and rely upon human testimony. When this goes to establish a fact beyond reasonable doubt, it entitles itself to belief, and upon this foundation rest our civil institutions.

From testimony thus disclosed, it appears, that William Morgan, a citizen of this state, was taken from the gaol of the county of Ontario, into which he had been committed under circumstances of peculiar aggravation and cruelty; and was from thence transported, under duress of imprisonment, a distance of about one hundred and twenty miles, to the county of Niagara, and was placed in confinement in the Magazine in Fort Niagara, situated at the confluence of the Niagara river with Lake Ontario, on the morning of the fourteenth of September aforesaid.

Here are the boundaries of the testimony. As to "his fate subsequently thereto," it is not yet developed; nor can it be anticipated, with much confidence, to be judicially determined, by any tribunal over which men have controul.

It is not believed to be within the legitimate purpose of this report, to speak of societies or denominations of men, but of men as individuals, citizens of a commonwealth. As such, and many of them acting in concert, upon their own responsibility, they manifested the deliberate purpose of withdrawing the subject of these inquiries from the protection of the laws and the government under which he lived, and subjecting him to the controul of themselves, and to be placed at the mercy of their own passions. He had offended against no law, recognized in the code of any civilized nation; and was taken away without any legal process or pretence of authority.

At the time of the commission of this offence, and until the passage of the law of 16th April 1827, by which similar offences were made felony, and punishable by imprisonment in the state prison not exceeding fourteen years, it amounted only to a misdemeanor. Three of the agents in the transaction were subjected to trial soon after its occurrence, and promptly met the retributions of the law, at a court of oyer and terminer held in January 1827, and were sentenced to imprisonment in the county gaol for different periods; the term of one of which is yet unexpired.

From this statement, it will be perceived what progress has been made under the act; and, so far as the testimony warrants, the nature of the transaction.

It ought to be remarked, that the situation of some of the witnesses on the part of the prosecution, is such as to present the question whether pecuniary relief ought not to be afforded. I allude to that class of witnesses, who, it is believed, do not come within the letter, nor perhaps the spirit of the law, making provision for the payment of witnesses unable to support themselves. Though not in a situation to avail themselves of that statute, yet the frequency of their attendance at court, and at great distances from home, has subjected them to expenses which they are illy able to defray.

Which is submitted with the highest respect,

By your obedient servant,

DANIEL MOSELEY.

Onondaga, December 25, 1828.

Ordered, That the said message be committed to a committee of the whole house.

Ordered, That five hundred copies of the same be printed for the use of the legislature.

And then the house adjourned until 12 o'clock to-morrow morning.

WEDNESDAY, JANUARY 7, 1829.

The house met pursuant to adjournment.

The petition of sundry inhabitants of the town of Duane in the county of Franklin, praying for the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, was read, and referred to a select committee, consisting of Mr. Bradish, Mr. Gross and Mr. Sanford.

The petition of sundry inhabitants of the county of Tompkins, praying for the incorporation of a bank, to be located at Ithaca, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the village of Buffalo, praying for the incorporation of a bank, to be located in that village, was read, and ordered to be laid upon the table.

The memorial of David H. Burr, praying for the passage of a law to appropriate a further sum of money, to enable him to complete the publication of a map and atlas of this state, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Central Bank, praying for a renewal of their charter, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Merchants' Bank in the city of New-York, praying for a renewal of their charter, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Onondaga, praying for the incorporation of a bank, to be located at Syracuse, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Livingston, and other counties adjacent thereto, praying for the incorporation of a bank, to be located at Geneseo, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Tioga, and other counties contiguous thereto, praying for the construction of the Chemung canal, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Bank of Troy, praying for a renewal of their charter, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Bank of New-York, praying for the renewal of their charter, was read, and ordered to be laid upon the table.

The petition of Abel Guthrie and others, heirs of Christopher Guthrie, praying compensation for services alleged to have been rendered by said Christopher Guthrie during the revolutionary war, was read, and ordered to be laid upon the table.

The petition of George Vail and others, inhabitants of the county of Rensselaer, praying for the incorporation of a bank, to be called "The Merchants' and Mechanics' Bank," and to be located at Troy, was read, and ordered to be laid upon the table.

The petition of Thomas Naters, an alien, praying for the passage of a law to enable him to take, hold, and convey real estate within this state, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Bank of Geneva, praying for a renewal of their charter, was read, and ordered to be laid upon the table.

On motion of Mr. Johnson,

Resolved, That the clerk cause to be printed or procured, for the use of this house, diagrams of the Senate and Assembly chambers; the constitution of of this state and of the United States, with marginal notes; the order of business in the Senate and Assembly; the joint rules and orders, and the rules and orders of the Senate and Assembly; an alphabetical list of the members of both houses, with their places of residence; a list of senators arranged according to their districts; the standing committees of both houses; the select committees of both houses on the Governor's message; a list of the state or salary officers, and their respective salaries; an alphabetical list of the several towns and counties in this state, with the number of inhabitants in each, and the valuation of real and personal estate; a list of banks and insurance companies in the state, with the amount of their capital; the time when the charters of the banks expire, and an abstract of the returns made by the banks at the last session of the legislature; copies of Wm. Williams' small map of New-York; and a calendar for 1829: And that he have the same bound in a pocket volume, and deliver a copy thereof to each of the members and officers of the house.

Mr. Dean offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur,) That the clerks of the respective houses, cause the letters and papers addressed to the members, to be brought to the capitol at 9 o'clock, A. M. and 1 o'clock, P. M. of each legislative day during

the present session, and that they pay the amount of postage on such letters and papers out of the contingent funds of the respective houses.

Ordered, That the said resolution be laid upon the table.

Mr. Mann offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That a select committee be appointed to inquire and report as to the most practical mode of raising a revenue for the canal fund, in case that fund shall lose the auction duty, by any tax to be imposed upon sales at auction by the United States.

Ordered, That the said resolution be laid upon the table.

Mr. Gross offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herein,) That an amendment be proposed to the constitution of this state, and that the same be referred to the legislature next to be chosen, and be published in pursuance of the provisions of the first section of the eighth article of the said constitution; that the ninth section of the seventh article of the constitution of this state be abrogated.

Ordered, That the said resolution be laid upon the table.

On motion of Mr. Bradish,

Resolved, That a committee be appointed to revise the rules and orders of this house, and to report to this house, such amendments as they may think proper.

Ordered, That Mr. Bradish, Mr. Skinner and Mr. Johnson be the said committee.

Mr. Mann gave notice that he would, on some future day, ask leave to bring in a bill to prohibit the circulation within this state, of all bank bills under the denomination of five dollars.

On motion of Mr. Eldridge,

Resolved, That the Speaker appoint standing committees, each consisting of five members, on the subjects herein after mentioned:

Ways and means, including every thing relating to taxation and the revenues of the state.

Grievances.

Privileges and elections.

On the judiciary, and all the subjects relating thereto.

Expiring laws.

Claims.

Colleges, academies and common schools.

Engrossed bills.

Erection and division of towns and counties.

The incorporation of cities and villages.

Agriculture.

The incorporation of charitable and religious societies.

Trade and manufactures.

The incorporation and alteration of charters of banks and insurance companies.

Aliens.

Canals and internal improvement.

Roads, bridges, and the incorporation of turnpike companies.

State prisons, and subjects relating to the penitentiary system.

The militia, and the subjects relating to public defence.

Indian affairs, and subjects relating thereto.

The manufacture of salt in the state, and the several subjects relating to the same.

On bills coming within the 9th section of the 7th article of the constitution, in accordance with the 44th rule of this house.

Medical subjects, and all applications for relief or legislative provisions, from medical societies or medical colleges.

The house then, by unanimous consent, proceeded to the consideration of the resolution offered by Mr. Dean, the same was again read, in the words following, to wit:

Resolved, (if the Senate concur,) That the clerks of the respective houses cause the letters and papers addressed to the members, to be brought to the capitol at 9 o'clock, A. M. and 1 o'clock, P. M. of each legislative day during the present session, and that they pay the amount of postage on such letters and papers out of the contingent funds of the respective houses.

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the said resolution to the Senate and request their concurrence in the same.

The house then resolved itself into a committee of the whole on the message of the Governor, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Morell from the said committee, reported, that the committee had agreed to the following resolutions, to wit:

Resolved, (as the sense of this committee,) That so much of the message of his excellency the Governor as relates to the finances of the state, and the funds and revenue of the same, be referred to the standing committee of ways and means.

Resolved, (as the sense of this committee,) That so much as relates to canals and the subject of internal improvements, be referred to the standing committee on canals and internal improvements.

Resolved, (as the sense of this committee,) That so much as relates to public instruction and the subject of education, be referred to the standing committee on colleges, academies and common schools.

Resolved, (as the sense of this committee,) That so much as relates to banks, the renewal of bank charters and the currency of the state, be referred to the standing committee on banks and incorporated companies.

Resolved, (as the sense of this committee,) That so much as relates to the right of suffrage, and as to improper practices at elections, be referred to a select committee, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to the election law, and the choice of electors of president and vice-president, be referred to a select committee, to consist of one from each senate district, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to the abduction of William Morgan, and the report of the special attorney appointed upon that subject, be referred to a select committee, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to the institution for the reformation of juvenile delinquents, be referred to the standing committee on state prisons.

Resolved, (as the sense of this committee,) That so much as relates to salaries, and the compensation to the chancellor, judges of the supreme court, and circuit judges, be referred to a select committee of eight members, one from each senate district, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to sales at auction, be referred to a select committee, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to the Revised Statutes, and the subject connected therewith, be referred to a select committee, to consider and report thereon.

Resolved, (as the sense of this committee,) That so much as relates to the encouragement of the growth of hemp, be referred to the standing committee on agriculture.

Resolved, (as the sense of this committee,) That so much as relates to the relations between the state and national governments, be referred to a select committee, to consider and report thereon.

Thereupon,

Ordered, That the said report be laid upon the table.

And then the house adjourned until eleven o'clock to-morrow morning.

THURSDAY, JANUARY 8, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Lewis, praying for the appointment of commissioners to lay out a certain road in the town of Denmark, was read, and ordered to be laid upon the table.

The petition of Matthias Brown junior, praying for the passage of an act for his relief, was read, and referred to a select committee, consisting of Mr. Norton, Mr. Fillmore and Mr. Willey.

The petition of sundry inhabitants of the county of Madison, praying for the construction of a canal through the valley of the Chenango river, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Cortland, praying for the incorporation of a company to construct a railway from the town of Salina to the navigable waters of the Susquehannah river, was read, and ordered to be laid upon the table.

The petition of the judges of the court of common pleas, and sundry members of the bar of the county of Orange, praying for the passage of a law to extend the time limited for holding the said courts, was read, and referred to a select committee, consisting of Mr. Fowler, Mr. Dana and Mr. Waugh.

The petitions of sundry citizens of the city of New-York, praying for the incorporation of a bank, by the name and style of "The National Bank," was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the counties of Montgomery and Schoharie, praying for the incorporation of a company to construct a turnpike road, leading from the village of Canajoharie, southerly, to intersect the great western turnpike at some point in the town of Sharon in the county of Schoharie, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Montgomery, praying for the incorporation of a bank, to be located in the village of Canajoharie, and to be denominated "The Montgomery County Bank," was read, and ordered to be laid upon the table.

The petition of the president and directors of the Catskill Bank, praying for a renewal of its charter, was read, and ordered to be laid upon the table.

The petition of Charles M'Clew and Peter Hannay, aliens, praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Mechanics' and Farmers' Bank of the city of Albany, praying for a renewal of its charter, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the city of Albany, praying for the incorporation of a bank, by the name and style of "The Canal Bank," was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the counties of Erie and Genesee, praying for the passage of an act authorising the improvement of certain roads leading across the Indian reservation, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Saratoga, praying for the incorporation of a bank, to be located at Waterford, was read, and ordered to be laid upon the table.

The petition of the president, directors and company of the Tradesmen's Bank of the city of New-York, praying for the renewal of its charter, was read, and ordered to be laid upon the table.

The petition of Benjamin Cook, of the town of Verona in the county of Oneida, praying to be remunerated for the damages sustained by him, by the cutting away of the canal and overflowing his land, was read, and, with the affidavits accompanying the same, referred to the canal board.

The petition of Daniel W. Bostwick, of the county of Seneca, praying to be admitted to a seat as a member of this house from said county, in the place of Septimus Evans, the sitting member, together with the accompanying documents, was read, and ordered to be laid upon the table.

The petition of Erastus Willard, of the county of Oneida, praying for the passage of a law to authorise the commissioners of the land-office to sell to him a certain lot of land in the Oneida reservation, reserved to the use of the petitioner by a treaty made by the governor of the state with the Oneida nation of Indians in 1824, was read, and referred to the surveyor-general.

The petition of sundry inhabitants of the towns of New-Hartford and Kirkland in the county of Oneida, praying for the passage of a law to annex a part of Kirkland to New-Hartford, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the town of Utica, praying for the passage of an act authorising the lowering of the Oneida lake, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of Oneida Castleton in the county of Oneida, praying for the re-appraisal of the lots in that place, was read, and ordered to be laid upon the table.

The petition of Jonathan Alexander, praying that he may be permitted to purchase a lot of land in New-Stockbridge at its appraised value, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the town of New-Hartford in the county of Oneida, praying for the incorporation of a fire company in that town, was read, and ordered to be laid upon the table.

The petition of the First Christian party, and the Orchard party, of the Oneida nation of Indians, praying for certain legislative relief in relation to their annuity, and for other purposes, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Erie, praying for the passage of a law to authorise an alteration of the division between said county and the county of Genesee, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the counties of Steuben, Allegany, Yates, and a part of Ontario, praying for the passage of a law to authorise the construction of a canal, from the Cohocton river at Bath, to the head of the Crooked lake, and from the foot of said lake to Dresden on the Seneca lake, was read, and ordered to be laid upon the table.

On motion of Mr. Skinner,

Resolved, That the Speaker appoint a standing committee on public lands, to consist of five members.

On motion of Mr. Johnson,

Resolved, That each of the following select committees on the governor's message, consist of five members, viz:

The committee on the right of suffrage, and as to improper practices at elections, be referred to a select committee, to consider and report thereon:

The committee on the abduction of William Morgan, and the report of the special attorney appointed upon that subject,

The committee on the subject of sales at auction:

The committee on the Revised Statutes.

Mr. Chandler gave notice, that on some future day, he would ask leave to introduce a bill authorising the supervisors of the county of Chenango to purchase and hold certain real estate, and for other purposes.

A copy of a resolution of the senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the assembly concur,) That a joint committee of the senate and assembly be appointed to revise the "joint rules of the senate and assembly," and report such amendments and alterations as shall be deemed proper; and in case of such concurrence, that Mr. Benton, Mr. Stebbins and Mr. Viele be of the said committee on the part of the senate.

Thereupon,

Resolved, That this house do concur with the senate in their said resolution, and that Mr. Mann, Mr. Paige, Mr. Dana, Mr. Gross and Mr. Eldridge be of the said committee on the part of this house.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the senate.

The house then proceeded to the consideration of the report of the committee of the whole on the governor's message, as entered on the journal of yesterday.

Mr. Speaker put the question whether the house would agree to the said report, and it was determined in the affirmative.

Thereupon,

Resolved, That so much of the message of his excellency the governor, as relates to the finances of the state and the funds and revenue of the same, be referred to the standing committee of ways and means.

Resolved, That so much as relates to canals and the subject of internal improvements, be referred to the standing committee on canals and internal improvements.

Resolved, That so much as relates to public instruction and the subject of education, be referred to the standing committee on colleges, academies and common schools.

Resolved, That so much as relates to banks, the renewal of bank charters, and the currency of the state, be referred to the standing committee on banks and incorporated companies.

Resolved, That so much as relates to the right of suffrage, and as to improper practices at elections, be referred to a select committee, to consider and report thereon.

Resolved, That so much as relates to the election law, and the choice of electors of president and vice-president, be referred to a select committee, to consist of one from each senate district, to consider and report thereon.

Resolved, That so much as relates to the abduction of William Morgan, and the report of the special attorney appointed upon that subject, be referred to a select committee, to consider and report thereon.

Resolved, That so much as relates to the institution for the reformation of juvenile delinquents, be referred to the standing committee on state prisons.

Resolved, That so much as relates to salaries, and the compensation to the chancellor, judges of the supreme court, and circuit judges, be referred to a select committee of eight members, one from each senate district, to consider and report thereon.

Resolved, That so much as relates to sales at auction, be referred to a select committee, to consider and report thereon.

Resolved, That so much as relates to the Revised Statutes, and the subject connected therewith, be referred to a select committee, to consider and report thereon.

Resolved, That so much as relates to the encouragement of the growth of hemp, be referred to the standing committee on agriculture.

Resolved, That so much as relates to the relations between the state and national governments, be referred to a select committee, to consider and report thereon.

A communication from the revisers of the statute laws of this state, was received, and read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York:

The undersigned, in behalf of the revisers of the statutes of this state, beg leave respectfully to report:

That by a resolution of the house of assembly, of the 30th of October, 1828, the petition of sundry inhabitants of the town of Schroon, in the county of Essex, praying for an alteration of the revised statutes relating to the assessment and collection of taxes in respect to the said town, was referred to the revisers; but by the pressure of other duties, they were prevented from reporting thereon at the last meeting of the legislature.

The undersigned have examined the said petition, and they find that the petitioners are desirous that the law should be so altered, as to provide that the warrant of the collector of the said town of Schroon, should direct him, in the first place, to pay to the supervisor of the town, out of the monies collected, such sum as may be required to defray the expenses of the town officers, so as to enable the town officers to discharge their taxes, and to relieve them from the delay to which they are now subjected in the payment of their charges; and the petitioners also suggest, that it may perhaps be expedient to authorise the supervisors to make the like arrangement for any other town in the county of Essex.

The undersigned do not perceive any good reason for such an alteration of the existing law, especially as its operation would be local; but as the propriety of granting the prayer of the petitioners, is a question which belongs exclusively to the legislature, they abstain from any remarks upon that subject.

All which is respectfully submitted.

B. F. BUTLER,
JOHN C. SPENCER.

January 8th, 1829.

Ordered, That the said communication be laid upon the table.

Ordered, That the resolution offered by Mr. Gross, proposing an amendment to the constitution of this state, be committed to a committee of the whole house.

The house then resolved itself into a committee of the whole on the said resolution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until 11 o'clock to-morrow morning.

FRIDAY, JANUARY 9, 1829.

The House met pursuant to adjournment.

Mr. Speaker announced to the house the appointment of the following committees:

Ordered, That Mr. Eldridge, Mr. Tower, Mr. J. Van Beuren, Mr. Goodman and Mr. W. M'Donald, be a committee of ways and means, including every thing relating to taxation and the revenues of the state.

Ordered, That Mr. Savage, Mr. Boynton, Mr. Bogert, Mr. Graves and Mr. L. Smith, be a committee on grievances.

Ordered, That Mr. Edgerton, Mr. C. L. Livingston, Mr. Sanford, Mr. Starr and Mr. Fowler, be a committee on privileges and elections.

Ordered, That Mr. Dana, Mr. Fleming, Mr. Soper, Mr. Gross and Mr. Holdridge, be a committee on the judiciary, and all the subjects relating thereto.

Ordered, That Mr. Hubbell, Mr. H. W. Livingston, Mr. P. C. Fuller, Mr. Wyckoff and Mr. Mandeville, be a committee on expiring laws.

Ordered, That Mr. Mann, Mr. Mixer, Mr; Hynds, Mr. J. Hall and Mr. Spier, be a committee on claims.

Ordered, That Mr. Skinner, Mr. J. M'Donald, Mr. Gosman, Mr. Dyckman and Mr. Randall, be a committee on colleges, academies and common schools.

Ordered, That Mr. W. Hall, Mr. Waring, Mr. Seeley, Mr. Allison and Mr. Davenport, be a committee on engrossed bills.

Ordered, That Mr. Armstrong, Mr. Chandler, Mr. Dygert, Mr. Ives and Mr. Van Wyck, be a committee on the erection and division of towns and counties.

Ordered, That Mr. Morell, Mr. Falley, Mr. H. D. Smith, Mr. Teller and Mr. Redfield, be a committee on the incorporation of cities and villages.

Ordered, That Mr. Nicholas, Mr. Waugh, Mr. Austin, Mr. Fitch and Mr. Sloughter, be a committee on agriculture.

Ordered, That Mr. Al Burtis, Mr. Garnsey, Mr. Scott, Mr. Young and Mr. Curtiss, be a committee on the incorporation of charitable and religious societies.

Ordered, That Mr. Franklin, Mr. Bacon, Mr. Jenkins, Mr. Myers and Mr. Sill, be a committee on trade and manufactures.

Ordered, That Mr. Paige, Mr. Dayton, Mr. Mallory, Mr. Williamson and Mr. Starr, be a committee on the incorporation and alteration of the charters of banking and insurance companies.

Ordered, That Mr. C. Baker, Mr. Cargill, Mr. Hedges, Mr. M'Crea and Mr. M'Niel, be a committee on the petitions of aliens.

Ordered, That Mr. Johnson, Mr. Armstrong, Mr. T. L. Smith, Mr. Tower and Mr. Norton, be a committee on canals and internal improvements.

Ordered, That Mr. Burt, Mr. E. Baker, Mr. Kieth, Mr. Taber and Mr. Hubbard, be a committee on roads and bridges, and the incorporation of turnpike companies.

Ordered, That Mr. W. K. Fuller, Mr. Noble, Mr. Brown, Mr. Titus and Mr. Tailor, be a committee on state prisons, and subjects relating to the penitentiary system.

Ordered, That Mr. Brinkerhoff, Mr. Ruggles, Mr. Arnold, Mr. Efner and Mr. Graham, be a committee on the militia, and the subjects relating to the public defence.

Ordered, That Mr. Dean, Mr. Sheppard, Mr. Partridge, Mr. Evans and Mr. Barnett, be a committee on Indian affairs, and the subjects relating thereto.

Ordered, That Mr. Ruggles, Mr. Matthews, Mr. Defreest, Mr. Wheeler and Mr. Phœnix, be a committee on the manufacture of salt in the state, and the several subjects relating to the same.

Ordered, That Mr. Dickson, Mr. Fillmore, Mr. Jones, Mr. Collier and Mr. Heermans, be a committee on bills coming within the ninth section of the seventh article of the constitution, in accordance with the 44th rule of this house.

Ordered, That Mr. Judd, Mr. P. Van Beuren, Mr. Carrier, Mr. A. Smith and Mr. Stanton, be a committee on medical subjects, and all applications for relief or legislative provisions, from medical societies or medical colleges.

Ordered, That Mr. Bradish, Mr. Hammond, Mr. Hornbeek, Mr. Lindsley and Mr. Vanderbilt, be a committee on public lands.

Ordered, That Mr. J. Van Beuren, Mr. Jenkins, Mr. Dana, Mr. Savage and Mr. Carley, be a committee on so much of the message of the governor, as relates to the right of suffrage, and as to improper practices at elections.

Ordered, That Mr. Skinner, Mr. T. L. Smith, Mr. Judd, Mr. Austin, Mr. Sanford, Mr. W. K. Fuller, Mr. C. Baker and Mr. Hubbell be a committee on so much of the message of the governor as relates to the election law, and the choice of electors of president and vice-president.

Ordered, That Mr. Hazeltine, Mr. Hascall, Mr. Williams, Mr. Garbutt and Mr. Mixer, be a committee on so much of the message of the governor as relates to the abduction of William Morgan, and the report of the special attorney appointed on that subject.

Ordered, That Mr. C. L. Livingston, Mr. White, Mr. Fowler, Mr. Dean, Mr. Boynton, Mr. Mallory, Mr. Mandeville and Mr. Willey, be a committee on so much of the message of the governor as relates to salaries, and the compensation to the chancellor, judges of the supreme court and circuit judges.

Ordered, That Mr. Myers, Mr. Paige, Mr. Bradish, Mr. Edgerton and Mr. Jones, be a committee on so much of the message of the governor as relates to sales at auction.

Ordered, That Mr. Mann, Mr. Eldridge, Mr. Noble, Mr. Gross and Mr. Nicholas, be a committee on so much of the message of the governor as relates to the revised statutes, and the subjects connected therewith.

Ordered, That Mr. Dayton, Mr. Gosman, Mr. Ives, Mr. J. M'Donald and Mr. Gardner, be a committee on so much of the message of the governor as relates to the relations between the state and national governments.

Ordered, That the several petitions now before this house, praying for the incorporation of new banks, and the renewal of bank charters, and which were ordered to be laid upon the table, be referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Ordered, That the petitions for the construction of a canal from the head of the Seneca lake to the Chemung river; from the Erie canal, along the valley of Chenango river, to Binghamton; from Bath, through Crooked lake, to the Seneca lake; and the petition praying for authority to lower the Oneida lake, and for certain other relief; severally be referred to the committee on canals and internal improvements.

Ordered, That the petition of the heirs of Christian Guthrie deceased, and the petition of John Gifford, severally be referred to the committee of claims.

Ordered, That the petition of sundry inhabitants of the county of Lewis, relative to a certain road in the town of Denmark; the petition from the counties of Montgomery and Schoharie, for the incorporation of a turnpike company; and the petition relating to the improvement of the road leading across the Indian reservation in the county of Erie; severally be referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Ordered, That the petition of D. H. Burr, relative to the map and atlas of this state, and the petition of the trustees of the Gouverneur high school, severally be referred to the committee on colleges, academies and common schools.

Ordered, That the petition relating to the annexation of a part of the town of Kirkland in the county of Oneida, to the town of New-Hartford, and the petition relating to the boundary line between the counties of Erie and Genesee, severally be referred to the committee on the erection and division of towns and counties.

Ordered, That the petition of Charles M'Clew and Peter Hannay, be referred to the committee on the petitions of aliens.

Ordered, That the memorial relating to the construction of a railway from Salina to the navigable waters of the Susquehannah, be referred to a select committee, consisting of Mr. Curtiss, Mr. Carley and Mr. Matthews.

Ordered, That the petition relating to the incorporation of a fire company in the town of New-Hartford, be referred to the committee on the incorporation of cities and villages.

Ordered, That the petition of the First Christian party of the Oneida nation of Indians, be referred to the committee on Indian affairs.

The petition of Elisha Johnson, Matthew Brown junior, and others, inhabitants of the county of Monroe, praying for the incorporation of a bank, to be located in the village of Rochester, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the treasurer and board of supervisors of the county of Erie, praying a loan from the state, to aid in the completion of a county poor-house, was read, and referred to a select committee, consisting of Mr. Burt, Mr. Johnson and Mr. Hazeltine.

The petition of sundry citizens of New-York, praying for the incorporation of a bank, by the name and style of "The Drovers' and Butchers' Bank," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of George Parish, by his agent, Joseph Rosseel, praying for an extension of the charter of the toll-bridge over the Black river, at the head of the Long falls, in the town of Champion, county of Jefferson, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of the president and directors of the First Great Southwestern turnpike road company, praying legislative relief, first, for a reimbursement for monies expended, and responsibilities incurred; and second, for a revival of their corporate powers; was read, and referred to the committee on the esta-

blishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the counties of Tioga, Steuben, Yates, Ontario, Tompkins and Seneca, praying for the passage of a law to authorise the construction of a canal from the head of Seneca lake to the Chemung river at the village of Newtown, was read, and referred to the committee on canals and internal improvements.

The petition of the directors of the Central Asylum for the instruction of the deaf and dumb, at Canajoharie in the county of Montgomery, praying legislative relief, was read, and referred to the committee on colleges, academies and common schools.

The petition of Michael Anthony, of the city of New-York, praying that he may be allowed the appraised value of firewood and timber cut upon the land of his ancestor, for the use of the continental army, during the revolutionary war, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to grant certain pecuniary relief to Adonijah Carter, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of a canal from the village of Binghamton in the county of Broome, along the valley of the Chenango to Cleaveland's mills in the county of Madison, and from thence to the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of Bridget Usher, an alien, praying for the passage of a law to confirm the title to a lot of land in the city of Troy, conveyed to her late husband during his lifetime, was read, and referred to the committee on the petitions of aliens.

The petition of Allen M. Wheeler, of Dutchess county, a medical student, setting forth that through the omission of his tutor, his certificate of study was not duly filed, and praying for permission to file the same, *nunc pro tunc*, was read, and referred to the committee on medical subjects.

The petition of John Gifford, praying for compensation for revolutionary services, was read, and referred to the committee of claims.

The petition of Rebecca Albro, of the town of Beekman in the county of Dutchess, praying for the passage of an act to allow her to receive certain legacies, and to hold the same independent of her husband, was read, and referred to a select committee, consisting of Mr. Judd, Mr. Van Wyck and Mr. Edgerton.

Sundry petitions of inhabitants of the counties of Clinton, Franklin, Essex, St. Lawrence and Jefferson, praying for the construction of a road through the public lands belonging to the common school fund, were read, and ordered to be laid upon the table.

The memorial of the board of supervisors of the county of Onondaga, praying for the passage of a law authorising them to raise a sum of money to defray the expense of building the court-house and jail in said county, was read, and referred to a select committee, consisting of the members attending this house from the county of Onondaga.

The petition of the trustees of the Gouverneur high school, praying for the grant of a lot of land for the use of that institution, was read, and referred to the committee on colleges, academies and common schools.

Mr. Bradish, from the committee appointed to revise the rules and orders of this house, reported:

That in discharging the duty assigned them, the committee have taken mainly, as their guide, the rules and orders of the last House of Assembly. These generally, with some modification in their expressions and a change in their order, have been adopted. The change of order has been made with a view to bring together the several rules relating to the same subject, and thereby produce an arrangement which would facilitate a reference to the rules, and be more favorable to a perfect understanding of them.

In preparing the proposed 1st, 19th, 20th, 34th, 35th, 36th and 37th rules, which are new, the committee have been influenced by various considerations, some of which they beg leave to submit to the house.

The latter part of the proposed first rule, embraces a case not provided for in the rules of the last House of Assembly. Yet that is a case which not only may, but does often actually occur, and for which it has been thought some provision should be made. The committee are aware that the amended constitution of the state declares, that "a majority of each house (of the legislature,) shall constitute a quorum to do business;" and that it may perhaps thence be inferred that less than that number can do no valid act whatever. This would undoubtedly be true in regard to any legislative act; but the powers proposed to be given by the clause in question of this proposed rule, are merely police powers, absolutely necessary in the case contemplated by the rule, and are, it is believed, included in the general power expressly given to this house by the constitution, that "of determining the rules of its own proceedings." If the powers in question be denied, then it would follow that if at any time during the sitting of the house, there should not be present a constitutional quorum to do business, the house by that simple fact, would be dissolved, and the members present could neither remedy the evil by taking measures to compel the attendance of absent members, nor could they adjourn. It is to provide for such a case, that the committee have prepared this rule, which they believe to be fairly within the constitutional powers of this house.

It will be perceived that the 9th subdivision of the proposed 2d rule, is a modification of the 41st rule of the last house of Assembly. It changes the order of business so far as to give the unfinished business of the preceding day, priority of the special orders of the day. This change, the committee believe, will in practice be found useful. The reasons for this opinion will be apparent upon a moment's consideration of the subject. Let it be supposed that there is a special order of the day for Tuesday, and another for Wednesday. That on the preceding Monday, the house go into committee of the whole upon a general order of the day, and that the committee rise without having disposed definitely of the subject. This would, therefore, on Tuesday be unfinished business of the preceding day, and would, under the existing rule, be postponed to the special order of the day for Tuesday. Suppose the house to follow the existing rule, and to go into committee of the whole upon the special order of the day, and the committee to rise without having disposed definitely of this special order; it would of course be, on Wednesday, unfinished business of the preceding day, and must be postponed to the special order of the day for Wednesday. This special order is taken up and acted on in committee of the whole, but not finally disposed of. It would, therefore, on Thursday morning be unfinished business of the preceding day; and if there be no special order of the day for Thursday, would be taken up and acted on in preference to unfinished business generally, or the general orders of the day. Thus, it will be perceived, that by the operation of the existing rule, the special order of the day for Wednesday has gained precedence of the special order of the day for Tuesday, and the intentions of the house defeated by its own rule. This seems exceedingly incorrect in principle. It is no less inconvenient in practice.—Whereas under the operation of the proposed rule, business would be definitively disposed of in the order in which it is taken up, and the house would thereby avoid the evil which must frequently arise under the existing rule, of having under its consideration at the same time, several distinct subjects partially discussed. The undivided attention of the house would thus be given to a single subject, which would be definitely disposed of while its merits were fresh in the minds of the house. The committee, therefore, believe that not only much time of the house would be thereby saved, but that its final decisions upon the various and important subjects of its deliberations, would be more satisfactory and correct.

It may, perhaps, be said, that the subjects embraced in the proposed 19th and 20th rules, are already determined by parliamentary usage; but as these cases are of frequent occurrence, and often give rise to much discussion, it has been thought advisable to regulate them by express rules.

The proposed 34th, 35th, 36th and 37th rules, are also new. They have been suggested by experience, and prepared after much reflection upon their subject. They will, in practice, produce some change in the course of legislation in this house, but it is confidently believed would be attended with many results exceedingly important and useful. Our legislation originates mainly in petition. The usual course of proceeding under the existing system, is, first, the presentation of the petition. This, according to its subject matter, is referred either to a standing or select committee. This committee, if they decide in favor of the prayer of the petition, usually report by bill, which they prepare, and, on leave granted, bring into the house. Now, it will readily be admitted, that a committee may be perfectly competent, indeed the best qualified possible, to decide upon the merits of a subject referred to them, and yet not be so well qualified to give legal form and effect to their own decision. This is no disparagement to the committee. It arises necessarily from the manner in which the committee is composed. This committee often not only is not composed of members of the legal profession, but may not have even a single lawyer upon it. But the drawing of bills is strictly a business of the lawyer, and requires considerable professional learning and skill. Let us suppose a committee consisting wholly of lay members, to decide in favor of an application referred to them, and to set about preparing a bill to carry their decision into effect. Unacquainted with the actual law, and not knowing that a part of their subject is perhaps already fully provided for by the existing statutes, they know not how much of new enactment is necessary to accomplish their object. Hence, in preparing their bill, they cover the whole ground: the consequence of all which generally is, that the bill contains a great deal of unnecessary matter, and that matter exceedingly informal. The bill, thus prepared, is presented to the house, receives its first and second reading, and is referred to a committee of the whole house. In its order, it is taken up and considered in committee of the whole, where much time and discussion pass merely in settling the form and details of the bill. Now, under the operation of these proposed rules, this would be avoided. Composed as the committee on bills might, and undoubtedly would always be, every bill, when it first goes to the committee of the whole, would contain only the necessary matter, and that matter arranged in the best and most legal form possible. Each bill, therefore, being in its form and details as perfect as possible when first presented for consideration, the discussions thereon, in committee of the whole, would be thereby narrowed down to the simple principle of the bill—to the single question of its expediency or inexpediency. Your committee, therefore, do not think it too much to say, that at least one half of the time of the house, in committee of the whole, would be thereby saved. The attention, too, of the committee of the whole, being thus directed mainly to the principle of each bill, that principle would be more likely to receive a full discussion and correct decision.

It may perhaps be objected by some, even those who might otherwise be in favor of these rules, that the duties of the committee to be appointed under them, would be so arduous, that it would be difficult to find members who would be willing to serve upon the committee. The duties of this committee would undoubtedly be arduous; but much less so than may at first, perhaps, be imagined. Our legislation, although it embraces a great diversity of subjects, yet resolves itself generally into a few formulæ. These being well understood, it will be neither difficult nor laborious for a committee, composed principally of professional members of experience and ability, to examine and put in legal form all bills to be acted upon in this house during an ordinary session. Should it, however, contrary to expectation, be found that the duties of this committee are too arduous, and that it is necessary to relieve them; this can be readily done by adding to the members of the committee, and thereby dividing their labors. Thus, under the operation of the proposed rules, the legislation of this house would, in its various stages, more fully exercise the peculiar talents, and receive the best services of all its members. While the sound judgment and practical good sense of the lay members were exercised in deciding preliminary questions, the learning and professional skill of the law members would

be employed in giving legal form and effect to those decisions; while the enlightened wisdom of all would be united in giving its final sanction to, and disposing definitively of, that legislation. Hence our statute book, instead of that mass of unnecessary and informal matter which has sometimes encumbered it, would present a body of law which would be easily understood by those upon whom it is to operate, and do credit to those who had framed it.

With these observations, the committee beg leave to submit the draft of rules and orders prepared by them, and which they respectfully recommend to the house for its adoption.

PROPOSED RULES AND ORDERS.

1. Upon the appearance of a quorum, the Speaker having taken the chair, and the members being called to order, the journal of the preceding day shall be read, to the end that any mistakes therein may be corrected by the House: And in all cases of the absence of a quorum, the members present may take such measures as shall be necessary to procure the attendance of absent members, and the Speaker may adjourn from day to day, until a quorum shall appear.

2. After the reading and approving of the journal, the order of business, which shall not in any case be departed from, except by the unanimous consent of the House, shall be as follows:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Communications from the state officers.
6. Messages from the Senate.
7. Motions, resolutions and notices.
8. Third reading of bills and resolutions.
9. Unfinished business of the preceding day.
10. Special orders of the day; and if in any case the unfinished business of the preceding day shall have taken the place of special orders, these orders shall be taken up and acted on in their order of time.
11. Unfinished business generally.
12. General orders of the day.

3. The Speaker shall cause the clerk to make a list of all bills, resolutions, reports of committees, and other proceedings in the House, which are committed to a committee of the whole, and not made the special order of the day for any particular day; which list shall be called "The General Orders of the Day."

4. All questions relating to the priority of business, shall be decided without debate.

5. The Speaker shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the House. He shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment, unless by leave of the House.

6. The Speaker, in all cases, has the right of voting; and when the House shall be equally divided, including his vote, the question shall be lost.

7. While the Speaker is putting a question, no member shall walk across or out of the House.

8. When the House adjourns, the members shall keep their seats until the Speaker shall have left the chair.

9. Every member, previous to his speaking, shall rise from his seat, and address himself to the Speaker.

10. When two or more members rise at once, the Speaker shall name the member who is first to speak.

11. No member shall speak more than twice to the same general question, nor more than once upon a "previous question," without leave of the House; nor more than once in any case, until every member choosing to speak, shall have spoken.

12. While a member is speaking, no member shall entertain any private discourse, or pass between him and the chair.

13. A member called to order, shall immediately sit down, unless permitted to explain: If there be no appeal, the decision of the chair shall be conclusive; but if the member appeal to the House from the decision of the chair, the House shall decide on the case without debate.

14. Every member who shall be present when a question is stated from the chair, shall vote thereon, unless excused by the House, or unless he be directly interested in the question, in which cases he shall not vote. No member shall be permitted to vote upon any question, unless present when, upon a division, his name is called in its regular order.

15. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

16. Every member, previous to presenting a petition or memorial, shall endorse on the same the substance thereof, and add his name: The clerk shall then read the endorsement; after which, the Speaker shall put the question on the reference of said petition or memorial.

17. No motion shall be debated or put, unless it be seconded: When a motion is seconded, it shall be stated by the Speaker before debate; and every such motion shall be reduced to writing, if the Speaker or any member desire it.

18. After a motion is stated by the Speaker, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

19. If the question in debate contain several distinct propositions, any member may have the same divided.

20. When a blank is to be filled, and different sums or times are proposed, the question shall be first put upon the largest sum and the longest time.

21. When a question is under debate, no motion shall be received, unless for the previous question; to postpone it indefinitely; to adjourn it to a day certain; to lay it on the table; to commit it; to amend it; or to adjourn the House.

22. A motion for "the previous question;" to postpone a question indefinitely; to adjourn it to a day certain; to lay it on the table, or to commit it, shall, until it is decided, preclude all amendment and debate of the main question.

23. "The previous question," shall be as follows:—"*Shall the main question be now put?*"

24. A motion to adjourn the House, shall be always in order, and shall be decided without debate.

25. Every order, resolution and vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid upon the table, on a day preceding that in which the same shall be moved, unless the House shall unanimously otherwise consent.

26. In all cases where a bill, order, resolution or motion, shall be entered on the journal of this House, the name of the member moving the same, shall also be entered on the journal.

27. If any ten members require it, the ayes and noes upon any question shall be taken and entered upon the journal.

28. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the House shall proceed to a further ballot or ballots as may be necessary.

29. Select committees, to whom references are made, shall in all cases, report a state of facts, with their opinions thereon.

30. Every bill, originating in this House, shall be introduced by motion for leave, or by an order of the House on the report of a committee; and one day's notice, at least, shall be given of a motion for leave to bring in a bill, unless the House unanimously otherwise allow.

31. All bills brought into this House by any member or committee, shall be indorsed with the name of the member or committee bringing in the same.

32. No private bill shall be brought into this House, but upon a memorial or petition, presented to the House, and signed by the party or parties praying for such bill, except by the unanimous consent of the House.

33. No bill shall be committed or amended until it has been twice read.

34. A standing committee of five members shall be appointed, to be called "the committee on bills," whose duty it shall be to examine all bills originating in this House, after they shall have been twice read, and before they are committed to a committee of the whole House, to make such amendments in the form and details thereof, as they may deem proper, and to report the same to the House; and for that purpose it shall be the duty of the Speaker to refer all bills originating in this House, to the said committee on bills.

35. Every message from the Senate, commnnicating any bill for the concurrence of this House, shall, with the accompanying documents, if any, be referred to the committee on bills, to consider and report thereon.

36. All amendments by the Senate to bills which have passed this House, shall be referred to the committee on bills, to examine and report thereon, unless the House shall otherwise expressly order or allow.

37. Reports of the committee on bills shall be, at all times, in order, and shall have preference of all other business, except reports of the committee on engrossed bills.

38. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman shall be appointed to preside.

39. The rules of the House shall be observed in the committee of the whole House, except the rules respecting a call for the ayes and noes, and limiting the times of speaking.

40. Bills committed to a committee of the whole House, shall, in committee of the whole thereon, be first read through by the clerk, unless otherwise expressly ordered by the committee; and then read and debated by clauses, leaving the title to be last considered: all amendments shall be noted on a separate piece of paper, and reported to the House by the chairman of the committee of the whole; after the report, the bill shall be still subject to debate and amendment, before the question to engross is put.

41. A similar mode of proceeding shall be observed with bills which have originated in the Senate, as with bills originating in this House.

42. If, at any time when in committee of the whole House, there be not present a quorum to do business, the chairman shall immediately report that fact to the Speaker.

43. On a motion, in committee of the whole House, to rise and report, the ques tin shall be decided without debate.

44. Every bill shall receive three several readings previous to its being passed; and the second and third readings shall be on different days; and the third reading shall be on a day subsequent to that on which the bill passed in committee of the whole House, unless the House unanimously direct otherwise.

45. A standing committee of five members shall be appointed, to be called "the committee on engrossed bills;" whose duty it shall be carefully to examine all bills passed by this House, and see that the same are correctly engrossed, and report the same to the House, before they are signed by the Speaker.

46. Reports from the committee on engrossed bills shall at all times be in order, and have preference to any other business.

47. When a bill passes the House, the Speaker shall certify the same, with the date thereof at the foot of the bill.

48. No motion for reconsideration shall be in order, unless on the same day, or day following that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such reconsideration: a motion for reconsideration being put and lost, shall not be renewed; nor shall any subject be a second time reconsidered, without unanimous consent.

49. A standing committee of five members shall be appointed on bills coming within the ninth section of the seventh article of the amended constitution

of this state; and when any bill shall have passed in committee of the whole House, on which the Speaker may entertain doubts whether it comes within the provisions of the said ninth section, it shall be referred to the said committee to examine and report thereon before the question on its final passage shall be taken.

50. On the final passage of all bills requiring two-thirds, the ayes and noes shall be taken and entered on the journal; and the Speaker shall certify upon every such bill, when passed, that two-thirds of all the members elected to this House voted in favor of the same.

51. A motion to reconsider the vote on the final passage of any bill requiring the assent of two-thirds of all the members elected to this House, shall be made by a member who voted in favor of the decision of the House on the question of the final passage of the bill; and two-thirds of the members elected to the House shall be required to reconsider the same; and such vote shall not be a second time reconsidered.

52. No standing rule or order of this House shall be suspended, changed or rescinded, without one day's previous notice being given of the motion therefor; nor shall the fifty-first rule be altered, unless two-thirds of all the members elected to this House agree to such alteration.

Ordered, That the usual number of copies of the said report, and rules and orders, be printed for the use of the legislature, and that the same be committed to a committee of the whole house.

On motion of Mr. Johnson,

Resolved, That the clerk of the assembly procure for the use of the assembly, Merchant's map of the city of Albany, and cause the same to be bound in the Red Book.

A copy of a resolution of the senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the assembly concur herein,) That on Tuesday next, at twelve o'clock at noon, the legislature proceed to elect a senator to represent this state in the congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Martin Van Buren.

Ordered, That the said resolution be laid upon the table.

Mr. Lindsley gave notice that he would, on some future day, ask for leave to introduce a bill, to confirm the appointment of certain commissioners to take the proof and acknowledgment of deeds, &c. in the county of Sullivan,

Mr. Noble gave notice that he would, on some future day, ask leave to introduce a bill, for the purpose of extending the time for the payment of monies loaned by the commissioners of loans and loan officers, to citizens of this state.

A communication from the revisers of the statute laws of this state, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York.

The undersigned, in behalf of the revisers of the statutes of this state, beg leave respectfully to report:

That by a resolution of the house of assembly of the 30th September 1828, the memorial of Felix Pascalis, M. D. and Samuel Osborn, M. D. in behalf of themselves and others, members of the Medical Society of the city and county of New-York, and of the State Medical Society, praying for the repeal of certain regulations contained in the First Part of the Revised Statutes, concerning the practice of physic and surgery, was referred to the revisers.

The undersigned have recently examined the said memorial. They find that it refers to a former petition, presented to the legislature in the winter of 1828; in which several of the provisions contained in the revised statute referred to, were complained of, as unconstitutional, unjust and oppressive, and their repeal prayed for: And that the said memorial is particularly intended as a reply to a remonstrance, which had been presented in answer to the original petition; in which remonstrance, the provisions in question were highly

approved, and their continuance earnestly recommended. But as the remonstrance and original petition were not referred to the revisers, and as the reasons urged on both sides address themselves exclusively to the wisdom of the legislature, the undersigned deem it improper to express any opinion on the memorial referred to them. They regret that their engagements during the last meeting of the legislature, prevented them from reporting on this subject; but they trust the petitioners have sustained no injury by the delay.

All which is respectfully submitted,

B. F. BUTLER,
J. C. SPENCER.

January 8, 1829.

Ordered, That the said communication be referred to the committee on medical subjects.

A communication from the revisers, relative to highways in the counties of Suffolk, Kings and Queens, and the several acts relating thereto, together with the petition of Henry P. Osborn and others on that subject, was read, and referred to a select committee, consisting of the members attending this house from the counties of Suffolk, Kings, Queens and Richmond.

Mr. Baragar, a member of the assembly, duly elected in and for the county of Tioga, appeared in the assembly chamber.

Thereupon,

Ordered, That Mr. Eldridge and Mr. Johnson do attend with him before some proper officer, and see him duly qualified.

Mr. Eldridge, from the committee appointed to attend with Mr. Baragar before some proper officer, and see him duly qualified, reported, that the committee had attended with him before the Hon. Enos T. Throop, lieutenant-governor, and seen him duly qualified.

Ordered, That Mr. Baragar do take his seat.

Ordered, That Mr. Norton have leave of absence for eight days, and Mr. Skinner for four days.

And then the House adjourned until eleven o'clock to-morrow morning.

SATURDAY, JANUARY 10, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of the Chenango canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the town of Franklinville, in the county of Cattaraugus, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Cornelius Higgins, of the city of Albany, praying compensation for building a block house at Salina, was read, and referred to the committee on claims.

Three several petitions of sundry inhabitants of the counties of Erie, Chautauque and Cattaraugus, praying for the passage of a law to authorise the construction of a canal, from the termination of the Erie canal at Buffalo, through the valley of the Conewango, to the Allegany river, were severally read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the county of Wayne, praying for the incorporation of a bank, by the name and style of the Wayne county bank, to be located at Palmyra, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the city of Schenectady, praying for the incorporation of a new bank, to be located in that city, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the stockholders of the Sun fire insurance company, of the city of New-York, praying for an alteration in their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of William Bird and Edmund H. Pendleton, praying an amendment of the act directing the laying out of a road from Cedar point, in the county of Essex, through the towns of Moriah and Newcomb, was read, and referred to the committee on roads and bridges, and the incorporation of turnpike companies.

The petition of the president, directors and company of the New-York state bank, praying for a renewal of its charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the Albany institute, praying for the passage of an act of incorporation, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Livingston and Genesee, praying for the repeal of an act authorising the laying out of a road from the meeting-house in the town of Lima, to Bradley's corner, in the town of Le Roy, was read, and referred to the committee on roads and bridges and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Addison, in the county of Steuben, praying for an alteration of the time for holding the annual town-meetings of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Martin B. Young and others, inhabitants of the county of Steuben, praying for the passage of a law to authorise said Young to erect a dam across the Canisteo river, in the town of Addison in said county, was read, and referred to a select committee consisting of Mr. Phoenix, Mr. Graves and Mr. Fitch.

The petition of the commissioners of highways of the town of Fayette, in the county of Seneca, praying to be remunerated for money expended in the erection of a bridge over the Seneca lock navigation canal, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Thomas Richards, praying for the passage of a law to authorise him to erect and maintain a dam in the Susquehannah river, in the town of Union in the county of Broome, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of David Crocker and others, praying for the passage of an act authorising the building of a toll-bridge across the Chenango river, in the town of Chenango, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of John Seymour and others, praying for the passage of an act authorising the erection of a dam across the Susquehannah river, in the town of Vestal, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of sundry inhabitants of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of the Chenango canal, was read, and referred to the committee on canals and internal improvements.

The petition of Lewis Seymour, praying for the passage of an act authorising him to erect and maintain a dam across the Susquehannah river, in the town Vestal in the county of Broome, was read, and referred to the committee on

the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of William Rose and others, praying for the passage of a law to authorise them to erect a free bridge across the Chenango river, in the county of Broome, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of William C. Bouck and others, inhabitants of the town of Middleburgh, in the county of Schoharie, praying for an alteration of the law erecting the town of Fulton in said county, was read, and referred to the committee on the erection and division of towns and counties.

Mr. Judd, from the committee on medical subjects, to which was referred the petition of Allen M. Wheeler, of Dutchess county, a medical student, praying for permission to file his certificate of study, *nunc pro tunc*, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Judd accordingly brought in the said bill, entitled "An act for the relief of Allen M. Wheeler;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Edgerton gave notice, that on some future day, he would ask leave to introduce a bill, amendatory of the law regulating the practice of physic and surgery within this state.

Mr. Brinkerhoff gave notice that he would, on some future day, ask leave to introduce a bill, for the purpose of having the expenses incurred by the county of Cayuga for the keeping of William L. Perce, arrested and detained on behalf of the state, in the jail of the said county, defrayed at the expense of the state.

A copy of a resolution of the senate, delivered by their clerk; was read, informing that they have non-concurred with this house in its resolution of Wednesday last, directing the clerks of the respective houses to cause the letters and papers addressed to members to be brought to the Capitol each day, and to defray the expense of their postage out of the contingent fund.

The house then proceeded to the consideration of the resolution of the senate, as entered on the journal of this house of yesterday: The same having been amended, was read in the words following, to wit:

Resolved, (if the assembly concur,) That on Thursday next, at twelve o'clock at noon, the legislature proceed to elect a senator to represent this state in the congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Martin Van Buren; and also to elect an attorney-general, to supply the vacancy occasioned by the resignation of Samuel A. Talcott.

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Ordered, That the clerk deliver the said resolution, as amended, to the senate.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Allen M. Wheeler;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock on Monday morning next.

MONDAY, JANUARY 12, 1829.

The House met pursuant to adjournment.

The petition of the president, directors and company of the Mohawk Bank, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The memorial of Gideon Lee, Alden Partridge and others, of the city of New-York, praying for the incorporation of the Harlaem literary and scientific academy, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Genesee, praying for the incorporation of a bank, to be located at Batavia, with a capital of $250,000, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, directors and company of the Farmers' Bank in the city of Troy, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, directors and company of the Highland turnpike company, praying for legislative relief to enable said company to rebuild Croton bridge, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of William Wisner, praying to be released from a judgment in favor of the people of this state against him, as security for Matthew Carpenter, was read, and referred to the committee on grievances.

The petition of the president, directors and company of the Bank of America, in the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the town of Utica, praying for the incorporation of a bank, to be located in said town, to be called "The Oneida Bank," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the counties of Oneida and Herkimer, praying for an extension of the charter of the Attica and Minden turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the president, directors and company of the Ontario Bank, praying for the renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, directors and company of the Bank of Utica, praying for the renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the incorporation of a bank, to be located at Ogdensburgh, with a capital of $250,000, by the name and style of "The Ogdensburgh Bank," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Henry H. Ross and Charles M'Neil, praying for the passage of a law to incorporate them and their associates, under the name and style of "The Washington steam-boat company," for the purpose of conveying freight and passengers, and towing boats and rafts on Lake Champlain, was read, and referred to a select committee, consisting of Mr. Gross, Mr. Edgerton, and Mr. W. M'Donald.

The petition of James Dalliba and John D. Dickinson, praying for the passage of a law to authorise them to establish and maintain a ferry across Lake Champlain, from Moriah in the county of Essex, to Addison in the state of Vermont, was read, and referred to a select committee, consisting of Mr. Gross, Mr. Edgerton and Mr. W. M'Donald.

The petition of the president and trustees of the village of Syracuse, praying for an alteration in the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of Loyd Williams, of the town of Camillus in the county of Onondaga, praying to be remunerated for damages sustained by the construction of the Erie canal, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of a law to authorise the construction of a canal from the village of Binghamton in the county of Broome, along the valley of the Chenango, to Cleaveland's Mills in the county of Madison, and from thence to the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the counties of Tioga, Steuben, Yates, Ontario, Tompkins and Seneca, praying for the construction of a canal from the head of Seneca lake to the Chemung river at Newtown, was read, and referred to the committee on canals and internal improvements.

Mr. Burt, from the select committee to which was referred the petition of the treasurer of the county of Erie, reported:

That the object of the petitioner is, as treasurer of the county, authorised by the board of supervisors, to request the legislature to pass a law to loan to the county, from the school fund, the sum of fifteen hundred dollars, to aid them in perfecting their poor-house establishment. The committee have ascertained that there are funds in the treasury belonging to that department, which, by law, are to be invested in stocks, which, from the information of the comptroller, will only produce about four and a half per cent.; therefore, the advantage of a loan paying an interest of seven per cent., would be the most advantageous to the state. Under this impression, and not doubting but that the county officers will feel a pride in keeping their engagements, and paying the interest and principal punctually, the committee have prepared a bill, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to loan money to the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Allison, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Allen M. Wheeler," and that the same is correctly engrossed

The said engrossed bill, entitled "An act for the relief of Allen M. Wheeler," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the senate, and request their concurrence in the same.

Mr. Arnold gave notice that he would, on some future day, ask leave to bring in a bill regulating weights and measures, and to repeal so much of the revised statutes as relates to that subject, embraced in chapter 19th, title 2d.

In pursuance of previous notice, Mr. Chandler asked for and obtained leave to bring in a bill entitled "An act authorising the supervisors of the county of Chenango to purchase and hold certain real estate, and for other purposes therein mentioned;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Lindsley asked for and obtained leave to bring in a bill, entitled "an act to confirm the appointment of certain commissioners to take the proof and acknowledgment of deeds, &c. in the county of Sullivan;" which was read the first time, and by unanimous consent, was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Noble asked for and obtained leave to bring in a bill, entitled "an act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state;" which was read the first time, and by unanimous consent, was also read a second time, and committed to a committee of the whole house.

Mr. Bailey, a member of the Assembly, duly elected in and for the county of Genesee, appeared in the assembly chamber.

Ordered, That Mr. White and Mr. Hascall be a committee to attend with Mr. Bailey before some proper officer, and see him duly qualified.

Mr. White, from the committee appointed to attend with Mr. Bailey before some proper officer, and see him duly qualified, reported, that they had attended with him before the Hon. Enos T. Throop, lieutenant-governor, and seen him duly qualified.

Ordered, That Mr. Bailey do take his seat.

Ordered, That Mr. Fillmore have leave of absence for 3 days, and Mr. Soper for 5 days.

The house then resolved itself into a committee of the whole, on the bill entitled "an act to loan money to the county of Erie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dana, from the said committee, reported progress, and asked for leave to sit again.

Thereupon, on motion of Mr. Burt,

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that the same, together with the accompanying documents, be referred to the comptroller.

The house then resolved itself into a committee of the whole, on the bill entitled "an act further to extend the time for the payment of monies loaned by the commissioners of loans and loan officers to citizens of this state;" and after some time spent thereon Mr. Speaker resumed the chair, and Mr. Paige, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "an act to confirm the appointment of certain commissioners to take the proof and acknowledgment of deeds &c., in the county of Sullivan;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fitch, from the said committee reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole on the bill entitled "an act authorising the supervisors of Chenango county to purchase and hold certain real estate, and other purposes therein mentioned;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until 11 o'clock to-morrow morning.

TUESDAY, JANUARY 13, 1829.

The house met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Madison, Oneida, Chenango and Broome, praying for the construction of the Chenango canal, was read, and referred to the committee on canals and internal improvements.

The petition of the directors of the New-York institution for the instruction of the deaf and dumb, praying further aid from the state, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of sundry inhabitants of the county of Chautauque, praying for the construction of a canal from Buffalo creek to the Allegany river, through the

valley of the Conewango, was read, and referred to the committee on canals and internal improvements.

The memorial of the president, managers and company of the Delaware and Hudson canal company, praying certain legislative aid as set forth in the petition, was read, and referred to a select committee, consisting of Mr. Bradish, Mr. Edgerton and Mr. Soper.

Ordered, That the usual number of copies of the said petition be printed for the use of the legislature.

The petition of the president, directors and company of the City Bank of the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Felix D. Fitzsimmons and Ann M'Manus, aliens, praying for the passage of a law to enable them to take and hold certain real estate within this state, was read, and referred to the committee on courts of justice.

The petition of sundry inhabitants of the counties of Steuben, Yates, Ontario, Seneca and Tompkins, praying for the construction of a canal from the head of Seneca lake to the Chemung river at Newtown, was read, and referred to the committee on canals and internal improvements.

The petition of the president, directors and company of the Phœnix Bank in the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry persons, praying for the construction of a canal from the head of the Seneca lake to Newtown, was read, and referred to the committee on canals and internal improvements.

The petition of John Thompson and others, inhabitants of the counties of New-York, Dutchess, Orange, Montgomery, Oneida, Essex, Warren, Madison, Seneca and Oswego, praying for the repeal of the law which prohibits the practice of botanic physicians, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to authorise the improvement of the navigation of Cattatunk creek in said county; and the remonstrance of sundry owners of mills and machinery upon said creek, against such improvement, by cutting sluices through their dams; were severally read, and referred to a select committee, consisting of Mr. Baragar, Mr. Dana and Mr. C. Baker.

The petition of the overseers of highways in the town of Leicester in the county of Livingston, praying for the appointment of commissioners to establish the boundary line between that town and the towns of Perry and Castile in the county of Genesee, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law to confirm the acts of certain commissioners of deeds appointed in and for that county, was read, and referred to a committee of the whole, when on the bill upon that subject.

The petition of Stephen Coal and others, inhabitants of the county of Steuben, praying for the passage of a law to authorise them to erect and maintain a dam across the Canisteo river, in the town of Addison in said county, was read, and referred to a select committee, consisting of Mr. Graves, Mr. Phœnix and Mr. P. C. Fuller.

Mr. Judd, from the select committee to which was referred the petition of Rebecca Albro, praying for an act to allow her to receive and hold certain legacies left her by her grandfather, independent of her husband, Wait Albro, reported:

That the petitioner is the wife of Wait Albro, of the town of Beekman in the county of Dutchess. That some time in the month of August last, the said Wait Albro sold the only cow and hog of which he was the owner, and took the money and went away, since which time he has not been heard of, and left his wife with seven children, without making any provision for their support and maintenance.

That some time in the winter of 1828, the mother of the petitioner died, leaving the petitioner heir to certain freehold estate, situated in the said county of Dutchess; and that during the past summer, the said freehold has been sold by virtue of an execution against the said Wait Albro. That some time during the past autumn, and since the absconding of the said Wait Albro, the grandfather of the said Rebecca died, leaving certain legacies to be paid to her by his executors in money.

In examining the petition of the said Rebecca, the committee have endeavoured to ascertain the probable consequences of granting, or refusing to grant its prayer. And in the discharge of this part of the subject, the committee are constrained to say, that they have satisfactory information that Wait Albro, the husband of the said Rebecca, has, by a long course of neglect and idleness, totally failed to provide for the necessities of his said wife and family; and therefore justly forfeited all right to the receipt and control of the said legacies, which have fallen to his said wife by the will of her said grandfather. And further, the committee have great reason to fear, that if the said legacies should be paid over to the said Wait Albro, that they would be wasted in idleness and dissipation, without being converted to the comfort or happiness of the said Rebecca, or to her children. The committee have therefore unanimously concurred in opinion, that the prayer of the petitioner ought to be granted. They have prepared a bill accordingly, and now ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Judd, according to leave, brought in the said bill, entitled "An act to allow Rebecca Albro, the wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. P. C. Fuller,

Resolved, That the comptroller be requested to submit to this house, a statement of the loans heretofore made by this state, to individuals, companies or incorporations, which now remain unpaid; specifying the time when made, the time when payable, and the amount due on each loan respectively.

Mr. White gave notice, that on some future day, he would ask leave to bring in a bill, relative to monies unexpended, in the hands of the overseers of the poor of certain towns in the county of Oneida.

Mr. Edgerton gave notice that he would, on some future day, ask leave to introduce a bill, authorising the public notaries and the commissioners of deeds in the city of New-York, to hold their offices until the revised statutes go into operation.

On motion of Mr. Noble,

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan officers, to citizens of this state;" and that the same be referred to a select committee, consisting of Mr. Noble, Mr. White and Mr. Eldridge.

A communication from the surveyor-general was read, in the words following, to wit:

The surveyor-general on the petition of Jonathan Alexander, referred to him by the assembly, respectfully reports:

That under the act, ch. 6, of 1823, the petitioner became entitled to the preemption of the west part of lot No. 8, of the West-Hill tract in New-Stockbridge, containing $92\frac{73}{100}$ acres, appraised, exclusive of improvements, at $6 per acre; and jointly with James Alexander, to lot No. 9, in the same tract, containing $102\frac{79}{100}$ acres, appraised at $6.50 per acre; but applications for the premises were not made within the time limited by law, and the commissioners of the land-office were by that circumstance precluded from making the grant. No disposal has since been made of the land. A petition of the same purport with the present, appears to have been presented to the legislature last year, and referred to the committee on grievances, whose report thereon is en-

tered on the printed journal of the assembly at page 924. The committee were of opinion that the prayer of the petitioner ought to be granted, and obtained leave to bring in a bill accordingly.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*

January 13th, 1829.

Ordered, That the said report, together with the documents accompanying the same, be referred to a select committee, consisting of Mr. Savage, Mr. W. K. Fuller and Mr. Bacon.

A communication from the surveyor-general, was read, in the words following, to wit:

The surveyor-general, on the petition of Erastus Willard, referred to him by the honorable the assembly, respectfully reports:

That in a treaty with the Oneida Indians in 1824, at which a tract of land was purchased by the state, there was a stipulation, that the petitioner should remain in the enjoyment of about 60 acres of land, which had been leased to him by said Indians, until the first day of May, 1829, then to be surrendered to the state. In allotting the tract, the surveyor, Peleg Gifford, laid out a lot of about 120 acres, which he appraised at eight dollars per acre, designating the east half as comprehended by the petitioner's lease. The west half was, on the 25th May, 1825, put up for sale by auction, and purchased by Joseph L. Williams and Erastus Willard, for the consideration of $485. Under the peculiar circumstances which he has stated, the petitioner now prays for a grant of the premises at the appraised value above mentioned.

It appears that a similar petition was presented to the legislature in the session of last year, and referred to a select committee, whose report is entered on the journal of the assembly at page 951. The committee were of opinion that the prayer of the petitioner ought to be granted, and obtained leave to bring in a bill accordingly.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*

January 13th, 1829.

Ordered, That the said report, together with the petition accompanying the same, be referred to a select committee, consisting of Mr. Savage, Mr. W. K. Fuller and Mr. Bacon.

A copy of a resolution of the senate, delivered by their clerk, was read, informing, that the senate have concurred with this house in its amendment to the resolution which was to proceed to the choice of a United States senator, to supply the vacancy occasioned by the resignation of the Hon. Martin Van Buren on Thursday next; and do non-concur in the amendment fixing upon a day for the appointment of an attorney-general.

Thereupon,

Resolved, That this house do recede from its amendment to the said resolution, which was non-concurred in by the senate.

Ordered, That the clerk deliver a copy of the preceding resolution to the senate.

A copy of a resolution of the senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the assembly concur,) That a joint committee be appointed to examine into the condition and management of the state library; and in case of such concurrence, that Mr. Stebbins, Mr. Maynard and Mr. Mather, be of said committee on the part of the senate.

Ordered, That the said resolution be laid upon the table.

Three several messages from the senate, delivered by their clerk, with the bills therein mentioned, were read, informing, that they had passed the bill, entitled "an act for the relief of the widow and children of Justus Spertzell;" the bill, entitled "an act to increase the number of trustees of the Methodist Episcopal church in the city of New-York," and the bill, entitled "an act for

the relief of Anthony M'Stay, Margaret Culbert and Maria Ganley," to which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent, were also read a second time, and the bill, entitled "an act for the relief of the widow and children of Justus Spertzell," was referred to a select committee, consisting of Mr. Johnson, Mr. Tower and Mr. White; the bill, entitled "an act to increase the number of trustees of the Methodist Episcopal church in the city of New-York," was referred to a select committee, consisting of Mr. Cargill, Mr. Al Burtis and Mr. Dyckman; and the bill, entitled "an act for the relief of Anthony M'Stay, Margaret Culbert and Maria Ganley," was referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Eldridge and Mr. Williams, severally to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the bill, entitled "an act to confirm the appointment of certain commissioners to take the proof and acknowledgment of deeds, &c. in the county of Sullivan," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "an act to confirm the official acts of certain commissioners of deeds, &c. in the county of Sullivan," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the rules and orders reported by the select committee appointed for their revision, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

WEDNESDAY, JANUARY 14, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Niagara, praying for the repeal of the law prohibiting the practice of botanic physicians, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Madison, praying for the incorporation of a bank, to be denominated "The Madison County Bank," to be located at Cazenovia, with a capital of $150,000, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of Oneida, distillers, praying for an amendment to the law relative to the inspection of domestic distilled spirits, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the town of Plainfield in the county of Otsego, praying for the repeal of an act passed April 19th, 1828, appointing commissioners to lay out a certain road in said town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Thomas Reid, of the town of Mendon in the county of Monroe, an alien, praying for the passage of a law to enable him to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the towns of Hoosick and Pittstown in the county of Rensselaer, praying for the incorporation of a company, to construct a turnpike road from the city of Troy to Bennington in the state of Ver-

mont, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the towns of Brunswick, Pittstown and Grafton, in the county of Rensselaer, praying for the incorporation of a company, to construct a turnpike road from the city of Troy, by the way of the Penisten-kill, to Pittstown, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Aaron M'Graw, of the county of Albany, a pupil of the institution for the instruction of the deaf and dumb at Canajoharie, praying further aid from the state, to qualify him as an instructor, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of the supervisors of the county of Dutchess, praying for the passage of an act to alter the time of holding their annual meeting, was read, and referred to a select committee, consisting of the members attending this house from the county of Dutchess.

The petition of John Light and Henry Light and others, praying for the privilege of erecting a mill-dam across the Susquehannah river, at the place designated in the said petition, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the village of Jamestown in the county of Chautauque, praying for the passage of an act authorising them to improve a part of the Chautauque outlet for steam-boat navigation, was read, and referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Burt.

The petition of sundry inhabitants of the county of Warren in the state of Pennsylvania, praying for the constructiou of a canal from Buffalo to the navigable waters of the Allegany river at Warren, through the valley of the Conewango, was read, and referred to the committee on canals and internal improvements.

The petition of Joshua Lounsberry and Rufus Lounsberry, praying for the passage of a law to authorise them to erect a dam across the Susquehannah river, in the town of Conklin in the county of Broome, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

In pursuance of previous notice, Mr. Edgerton asked for and obtained leave to bring in a bill entitled "An act relative to public notaries, and commissioners to take the acknowledgment of deeds in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the senate, entitled "An act for the relief of the widow and children of Justus Spertzell," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Cargill, from the select committee to which was referred the engrossed bill from the senate, entitled "An act to increase the number of trustees of the Methodist episcopal church in the city of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. K. Fuller, from the select committee to which was referred the engrossed bill from the senate, entitled "An act for the relief of Anthony M'Stay, Margaret Culbert and Mary Ganley," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Ordered, That Mr. C. L. Livingston and Mr. Burt be added to the select committee to which was referred the memorial of the president, managers and company of the Hudson and Delaware canal company, praying certain legislative aid as set forth in their petition.

Ordered, That Mr. Ruggles have leave of absence for ten days.

Ordered, That the committee on grievances be discharged from the further consideration of the petition of Loyd Williams, praying to be remunerated for damages sustained by him by the construction of the Erie canal; and that the said petition be referred to the canal commissioners.

Ordered, That the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, be discharged from the further consideration of the petition of the commissioners of highways of the town of Fayette in the county of Seneca, praying to be remunerated for money expended in the erection of a bridge over the Seneca lock navigation canal; and that the said petition be referred to the canal commissioners.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to confirm the official acts of certain commissioners of deeds, &c. in the county of Sullivan;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being further amended by the house, and the title altered to "An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the conty of Sullivan," Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

A communication from the comptroller was read, in the words following, to wit:

The comptroller, to whom was referred by the honorable the assembly, the petition of the treasurer of the county of Erie, for a loan from the treasury of the state, the report of the select committee on the said petition, and bill accompanying the same, reported:

That the statute books of this state exhibit many instances of loans to counties for specific purposes, and he believes these loans are a secure investment, because the debt is a charge upon the county to which the loan is made; and the law authorising it, usually, if not always, contains a provision, as does the one referred, making it the duty of the supervisors of such counties to provide for the payment not only of the interest, but of the principal, when it shall become due according to the terms of the loan.

It is proposed to make the loan asked for from the capital of the common school fund. By existing legal provisions, the capital of this fund can only be invested in public stocks. During the last year, more than one hundred thousand dollars of the capital of this fund have been invested in stock, and the most advantageous terms have been such, that the income from this investment will not much, if any, exceed $4\frac{1}{2}$ per cent. There is now in the treasury $70,446.24, of the capital of the common school fund, ready to be invested when an opportunity shall occur of doing it advantageously; and it is probable that no investment in stock (the only way in which it can be invested according to the present law) can be made that will promise an income of full five per cent. Whether, under these circumstances, it is expedient to authorise the loan asked for by the petition referred to the comptroller, is a question for the legislature to determine.

All which is respectfully submitted.

W. L. MARCY, *Comptroller.*

COMPTROLLER'S OFFICE,
Albany, 14*th Jan.* 1829.

Ordered, That the said report and bill upon the subject to which it relates, together with the accompanying documents, be committed to a committee of the whole house.

A communication from the comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE—*Albany*, 14*th January*, 1829.

SIR—

I have the honor herewith to transmit to the Assembly, the annual report required from this department.

I am, with great respect,
Your obedient servant,
W. L. MARCY.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK,
Comptroller's Office, Albany, 14*th January*, 1829.

The Comptroller, in obedience to Chapter VIII., Title 3, Article 1, of the First Part of the Revised Statutes of this state, has the honor to submit to the legislature the following

REPORT.

FUNDS.

The several funds belonging to this state, an account of which is embraced in this report, are the following, viz: the General Fund, Common School Fund, Canal Fund, and Literature Fund.

GENERAL FUND.

The General Fund consists of the following items—(see Statement A.)

Canal stock, bearing an interest of 5 per cent.....					$280,000 00
608 shares in the stock of the Bank of America,.....				60,800 00	
300	do	do	Bank of Hudson, ...	15,000 00	
50	do	do	Bank of Columbia, ...	20,000 00	
845	do	do	Mechanics & Farmers' Bank,	10,140 00	
500	do	do	Mohawk Bank, ...	5,000 00	
600	do	do	New-York State Bank,.....	16,800 00	
					127,740 00
Bonds and mortgages for lands sold,.....					818,826 28
do		do	for loans to individuals and others, ...		395,100 89
do		do	for sundry debts due the state, ...		23,319 62
					1,644,986 79

CANAL FUND.

This fund consists of the following items, viz:

Lands granted for the construction of the canals, by the state, by companies and by individuals, remaining unsold; and also the canals themselves. To this fund belong also a part of the auction duty, the whole of the salt tax, the steam-boat tax, and the canal tolls; but as the whole receipts from all these sources are applicable, as received, to the construction of the canals, they properly belong to Revenue.

COMMON SCHOOL FUND.

This fund consists of the following items—(see Statement B.)

Bonds and mortgages for school fund lands sold, ...				$201,611 65
do		do	for escheated lands in the Military tract, ..	23,607 81

Carried forward,

		Brought forward,	
Balance due on loan of 1786,			30,095 21
do do of 1792,			332,564 35
do do of 1808,			426,303 54
Canal stock bearing an interest of 5 per cent.,			320,000 00
3600 shares in the stock of the Merchants' Bank,		180,000 00	
1000 do do Manhattan Company,		50,000 00	
2000 do do Middle District Bank,		50,000 00	
			280,000 00
Money in the treasury, being balance of receipts from the capital,			70,446 24
			$1,684,628 30

To this fund also, belong all the unappropriated lands owned by the state on the 1st January, 1823, and yet remaining unsold.

LITERATURE FUND.

The fund for the promotion of Literature, consists of the following items—(see Statement C.)

Bonds for lands sold,		$100,277 69
do for loans of the capital,		6,700 00
Money in the treasury, being balance of receipts from the capital,		5,955 77
		112,933 46

In addition to the foregoing, the treasurer of the Regents of the University, has furnished an account of that part of the fund subject to their immediate direction, as follows:

579 shares of the N. Y. State Bank, at $28 each share,	16,212 00	
100 do Albany Insurance Company at $60 do.	6,000 00	
Loans made to individuals,	19,070 50	
Six per cent. stock,	8,743 00	
Five per cent stock.	93,900 00	
		143,925 50
		$256,858 96

REVENUE.

GENERAL FUND.

Estimated revenue applicable to the ordinary expenses of government for the current year.

Interest on canal stock,	$10,000 00
Dividend on stock of Bank of America,	3,200 00
Bank of Columbia,	1,200 00
Mechanics & Farmers' Bank,	850 00
Mohawk Bank,	300 00
New-York State Bank,	1,400 00
Principal of bonds for lands sold,	30,000 00
Interest on the same,	60,000 00
Principal of bonds for loans to individuals,	20,000 00
Interest on the same,	25,000 00
do on sundry debts due to the state,	2,000 00
do on arrears of taxes,	10,000 00
Fees of public offices,	600 00
Pedlers licenses,	2,000 00
First payments on sales of lands,	5,000 00
Miscellaneous sources of revenue,	1,000 00
	$172,550 00

Estimate of the ordinary expenses of government for the current year.

Salaries of the officers of government, including office expenses,	$60,000 00	
Compensation of the members and officers of the legislature, including expenses of both houses,	95,000 00	
Compensation of members of the court for the correction of errors, and expenses,	7,500 00	
State prisons, for general support,	5,000 00	
for building the new state prison at Mount-Pleasant,	25,000 00	
Annuities to Indians, including all expenses relating to Indian affairs,	18,000 00	
Sheriffs, for allowances by court of exchequer,	5,000 00	
Printing,	15,000 00	
Brigade inspectors,	4,000 00	
Commissary's department,	6,000 00	
Miscellaneous expenses,	40,000 00	
Apprehension of criminals, and incidental expenses of government by the executive,	2,000 00	
Courts martial and courts of inquiry,	1,500 00	
Support and instruction of indigent deaf and dumb,	6,000 00	
Postage of official letters,	1,500 00	
		291,500 00

COMMON SCHOOL FUND.

The revenue from this fund is estimated as follows :

Interest on the loan of 1786,	$2,000 00
do do 1792,	20,000 00
do do 1808,	24,000 00
Interest on bonds taken for escheated lands,	1,200 00
do do school fund lands,	20,000 00
Interest on canal stock,	16,000 00
do on money in the treasury, to be invested,	3,000 00
Probable receipts on account of debts for fees of the clerks of the supreme court,	1,000 00
Dividend on Merchants' Bank stock,	11,500 00
Manhattan do	3,500 00
Middle District, do.	3,000 00
	$105,200 00

LITERATURE FUND.

Payable into the Treasury of the state.

Interest on bonds for lands sold,	$12,000 00	
do do for loans from the capital of the fund,	500 00	
		12,500 00

Payable to the Treasurer of the Regents.

Interest on $8,743, canal stock, at 6 per cent.,	$524 58	
do 93,900, do 5 do	4,695 00	
Dividend on N. York State Bank stock,	1,300 00	
Interest on Albany Insurance Company stock, Albany City stock, and loans to individuals,	1,904 90	
Interest on money in the state treasury, when invested at 5 per cent.	150 00	
		8,574 48
		$21,074 48

DEBT OF THE STATE.

CANAL DEBT.

Loaned at 6 per cent.,	$2,943,500 00
do 5 do	4,786,655 99
	$7,730,155 99

REMARKS.

The receipts into the treasury, for the year ending 30th November last, (see Statement D.) have been,		$1,938,006 19
Balance in the treasury on the 1st December, 1827,		163,043 16
Aggregate,		2,101,049 35
During the same period, there has been paid out of the treasury, as follows, viz:		
Amount of warrants outstanding, 30th Nov. 1827,	716 59	
Amount of warrants drawn, during the year, (see Statement E.)	1,988,951 89	
	1,989,668 48	
Less am't. of warrants outstanding 30 Nov. 1828,	864 00	
		1,988,804 48
Leaving a balance in the treasury, on the 30th Nov. 1828, applicable to the ordinary expenses of government, of		$112,244 87

But there is due from the General Fund, to several specific funds, as follows, viz:

To the common school fund, viz.	Capital,	$70,446 24	
	Revenue,	100,000 00	
			$170,446 24
To the literature fund, viz.	Capital,	$5,955 77	
	Revenue,	4,680 06	
			10,635 83
Total amount due from the general fund to specific funds,			$181,082 07
From which deduct the balance in the treasury, 30th Nov. 1828, as above,			112,244 87
Leaving a deficit of			$68,837 20

REMARKS.

In the last Annual Report which the Comptroller had the honor to submit to the legislature, he estimated that the ordinary expenses of the government for the last year, would exceed the revenue applicable to that purpose, about $175,000. There was then a surplus in the treasury of $115,028 45, to meet that amount of the estimated deficit; and the remainder, it was suggested, could be satisfied only "by a temporary loan, by a sale of some of the stock belonging to the general fund, by collecting a part of the principal of the debts of that fund, or by a resort to taxation." By an "Act to provide for the deficiency that may exist in the general fund to meet the charges upon it," the Comptroller was directed to sell to the commissioners of the canal fund, so much of the stock belonging to the general fund, as should enable the treasury to satisfy the claims upon it. Under this authority, $20,000 of this stock has been sold, for which there was received $21,000.

Although at the close of the last fiscal year, there was $112,244 87 in the treasury, yet the claims of the common school fund and the literature fund upon it, amount to $181,082 07. Under the law above mentioned, a further sale must soon be made of such portion of the stock belonging to the general fund, as will supply a deficit of $68,837 20.

The ordinary expenses of the government for the current year, are estimated at.....	$291,500 00
The income applicable to the payment of these expenses, is estimated, for the same year, at	172,550 00
Estimated deficiency for the present year,.....	$118,950 00

On the subject of supplying this deficiency, the Comptroller has no other views to present to the legislature, than those which are contained in the concluding paragraph of the Remarks in his last Annual Report.

Of the capital of the common school fund which was in the treasury on the 30th November, 1827, and has been received into it since, $107,766 63 has been invested pursuant to the directions of the 4th section of Title 4, Chap. 9 of the First Part of the Revised Statutes, by the purchase of $100,000 of the stock issued to the Delaware and Hudson canal company; and there is now in the treasury, $70,446 24 of the capital, which will be invested whenever a proper opportunity shall occur for that purpose.

All which is respectfully submitted.

W. L. MARCY, *Comptroller.*

Albany, 14*th January*, 1829.

Statement A. shews the increase and diminution of the general fund.
B. " " " " of the common school fuud.
C. " " " " of the literature fund.
D. " the receipts into the treasury from 1st Dec. 1827, to 30th Nov. 1828.
E. " the warrants drawn on the treasury during the same period.
F. " the duties on sales at auction, received into the treasury during the same period.
G. " the accounts of the state prisons for the year ending 31st October, 1828.

A.

STATEMENT shewing the increase and diminution of the capital of the General Fund, during the year ending 30th November, 1828.

	Public Stock.	Bank Stock.	Bonds for Lands.	Bonds for loans to individuals, &c.	Miscellaneous Bonds.	Total.
Amount of the fund 30 November, 1827,.....	300,000 00	127,740 00	836,453 04	406,297 57	23,319 62	1,693,810 23
Increased as at foot,.....			11,637 93	5,000 00		16,637 93
	300,000 00	127,740 00	848,090 97	411,297 57	23,319 62	1,710,448 16
Diminished as at foot, ...	20,000 00		29,264 69	16,196 68		65,461 37
Leaving the amount of the fund 30 November, 1828,.....	280,000 00	127,740 00	818,826 28	395,100 89	23,319 62	1,644,986 79

Increase of the Fund.

Bonds taken this year, viz:		
For sales of lands by the Surveyor-General,.....	$11,637 93	
Amount of loan to Orleans county, in 1826, transferred to loans to individuals, ...	5,000 00	
	$16,637 93	

Diminution of the Fund.

Extinction of principal of bonds for lands, viz:	
By payments into the treasury,.....	$29,264 69
Extinction of principal of bonds for loans, viz:	
By payments into the treasury,.....	16,196 68
By sale to the Commissioners of the Canal Fund, of part of the canal stock belonging to the General Fund, ...	20,000 00
	$65,461 37

B.

STATEMENT shewing the increase and diminution of the capital of the Common School Fund, during the year ending, 30th November, 1828.

	Bonds for school fund lands.	Loan of 1786.	Loan of 1792.	Loan of 1808.	Money in the treasury.	Bonds for escheated lands.	Public stock.	Bank stock.	Total.
Amount of fund 30th November, 1827, . .	186,624 59	31,624 38	353,486 96	430,121 50	97,563 00	11,676 37	220,000 00	280,000 00	1,611,096 80
Increased, as stated at foot, ...	20,658 92				80,763 42	13,233 06	100,000 00		214,655 40
	207,283 51	31,624 38	353,486 96	430,121 50	178,326 42	24,909 43	320,000 00	280,000 00	1,825,752 20
Diminished, as stated at foot, ...	5,671 86	1,529 17	20,922 61	3,817 96	107,880 18	1,301 62			141,123 40
Leaving the am't. of the fund 30 Nov. 1828,	201,611 65	30,095 21	332,564 35	426,303 54	70,446 24	23,607 81	320,000 00	280,000 00	1,684,628 80

Increase of the Fund.

Bonds taken this year, viz :		
For School Fund lands sold by the Surveyor-General,	$20,552 12	
do do sold by Com's. of Land-Office,	106 80	
		20,658 92
For escheated lands in the Military tract, ...		13,233 06
Canal stock purchased this year, ...		100,000 00
Moneys received into the treasury this year, viz :		
For principal of bonds for School Fund lands, ...	5,671 86	
do of the loan of 1786, ... , ...	1,529 17	
do of the loan of 1792, ...	20,922 61	
do of the loan of 1808, ...	3,817 96	
do of bonds for escheated lands, ...	1,301 62	
For first payments on sales of School Fund lands, . . .	12,567 12	
do do of escheated lands, including Attorney-General's costs, ...	200 11	
For commutation of quit-rents $52 44, half is - - - - -	26 22	
For premium on sale of $400,000 Delaware and Hudson Canal stock, ...	34,726 75	
		80,763 42
		$214,655 40

Diminution of the Fund.

Extinction of principal of bonds, viz :		
Of bonds for School Fund lands, by pay's. into the treasury,	$5,671 86	
do for escheated lands, do do	1,301 62	
Extinction of principal of other objects, viz :		
Of loan of 1786, ...	1,529 17	
do 1792, ...	20,922 61	
do 1808, ...	3,817 96	
Money paid out of the treasury, viz :		
For quit rents erroneously paid and refunded, half	113 55	
For $100,000 Delaware and Hud. Canal stock,	107,766 63	
		107,880 18
		$141,123 40

C.

STATEMENT shewing the increase and diminution of the capital of the Literature Fund, during the year ending 30th November, 1828.

	Bonds for Literature Fund lands sold.	Bonds for loans of the capital.	Money in the treasury.	Total.
Amount of the fund 30th November, 1827, ...	102,921 12	6,700 00	2,953 67	112,574 79
Increased as at foot, ...	200 00		3,115 65	3,315 65
	103,121 12	6,700 00	6,069 32	115,890 44
Diminished as at foot, ...	2,843 43		113 55	2,956 98
Leaving the amount of the fund on the 30th Nov. 1828, ...	100,277 69	6,700 00	5,955 77	112,933 46

Increase of the Fund.

Bonds taken this year for lands sold, ...		$200 00
Money received into the treasury this year, viz:		
For principal of bonds for Lit. Fund lands sold,	2,843 43	
For commutation of quit-rents, half, ...	26 22	
For first payments on Literature Fund lands, ..	246 00	
		3,115 65
		$3,315 65

Diminution of the Fund.

Extinction of principal of bonds, viz:	
Of bonds for lands by payments into the treasury, ...	$2,843 43
Money refunded for erroneous payments of quit-rents, half,	113 55
	$2,956 98

[D.]

AN ACCOUNT of Moneys received into the Treasury during the year ending the 30th November, 1828.

For account of the General Fund.

Interest on bonds for lands,.....	$40,145 31	
Principal of the same,.....	29,264 69	
Interest on loans to individuals and corporations, .	14,470 30	
Principal of the same, ...	16,196 68	
Interest on public stock, ...	15,000 00	
First payments on sales of lands, ...	5,430 63	
Rent of lands leased, ...	235 30	
Wharfage, &c. from the state pier at Sagg-Harbor,	285 65	
Dividends on bank stock, viz:		
Bank of Columbia, ...	1,200 00	
Bank of America, ...	3,283 20	
Mechanics' & Farmers' Bank,.....	845 00	
Mohawk Bank, ...	300 00	
New-York State Bank,.....	1,432 02	
State tax,.....	249 99	
Interest on arrears of county taxes, ...	3,367 78	
Pedlers' licenses, ...	1,990 00	
Fees accounted for by the Comptroller, ...	527 44	
" " by the Secretary of State, ...	576 20	
Balances due from individuals on the settlement of their accounts,.....	54 00	
For canal fund stock, sold to the commissioners of the canal fund, ...	20,000 00	
		$154,854 19

For account of the Canal Fund.

Duties on sales at auction, including tax on the same, ($35,500 of this has been paid out of the treasury on account of prior appropriations,) ..	$257,187 40	
Tax on salt manufactured in the Western District,	111,546 36	
Tolls received on the Erie and Champlain canals, ($2,660 27 of this has been paid out of the treasury to the proprietors of the Albany basin,)..	820,271 05	
Tolls received on the Oswego canal, ...	1,863 82	
First payment on sales Oswego canal fund lands,	13,960 00	
Rents of surplus waters,.....	1,723 00	
		1,206,551 63

For account of the Common School Fund.

Interest on bonds for lands,.....	$6,214 65	
Principal of the same, ...	5,671 86	
Interest on bonds for escheated lands, ...	594 03	
Principal of the same,.....	1,301 62	
First payments on sales of vacant lands, ...	12,567 12	
do do escheated do.....	200 11	
Interest on loan of 1786, ...	2,005 80	
Principal of the same,.....	1,529 17	
Interest on loan of 1792,.....	23,434 27	
Principal of the same, ...	20,922 61	
Carried forward....	$74,441 24	$1,361,405 82

Brought forward,....	$74,441 24	$1,361,405 82
Interest on loan of 1808,.....	23,422 08	
Principal of the same, ...	3,817 96	
Rents of lands leased,.....	722 44	
Interest on public stock,.....	13,910 92	
Dividends on stock of Merchants' Bank,.....	11,448 00	
Manhattan Company,....	3,500 00	
Middle District Bank, ...	3,000 00	
Fees of the clerk's office of the supreme court,..	782 77	
One half the amount received for commutation of quit-rents,.....	26 22	
Premium on sales of $400,000 of stock issued by the state for the benefit of the Delaware & Hudson canal company, ...	34,726 75	
		169,798 38

For account of the Literature Fund.

Interest on bonds for lands,.....	$4,314 88	
Principal of the same, ...	2,843 43	
First payment on sales of literature fund lands, ..	246 00	
Interest on loans of the fund,.....	365 18	
One half the amount received for commutation of quit-rents, ...	26 22	
		7,795 71

Miscellaneous.

Arrears of county taxes, ...	$27,570 58	
Tax on incorporated companies,.....	28,980 17	
Of the commissioners of the canal fund, for am't. advanced to them in 1827 and 1828 out of the general funds, ...	155,196 01	
Tax for draining marsh in Madison county,.....	4,951 29	
Redemption of lands sold for said tax, ...	155 32	
Sales of lands for arrears of county taxes, and direct tax of U. S., ...	21 11	
Redemption of lands sold for arrears of taxes,...	76,564 68	
Militia fines, imposed by courts-martial,.....	145 14	
		293,584 30
Of Lorenzo Hoyt, overpayment of costs in relation to the Maule farm,.....	10 42	
Of Robert White, on account of the commissioners of the canal fund, ...	936 49	
Of Stephen Allen, proceeds of furniture of the state prison in the city of New-York,.....	1,100 52	
Of J. N. Bleecker, comptroller of the city of New-York, the consideration for said prison,.....	100,000 00	
Of Cornelius Harsin, proceeds of labor of convicts in the same,.....	3,000 00	
Of Daniel Dayton, wreck master, proceeds of sloop Lark, ...	7 04	
Proceeds of unclaimed scrapings of pot and pearl ashes in the inspection stores in the city of N. York, ...	367 51	
		105,421 98
		$1,938,006 19

[E.]

During the same period, warrants have been issued for the following objects, viz.:

Permanent Appropriations.

For the salaries and office expenses of officers of government.

Late Governor,	$1,460 27
do for incidental expenses of government,	750 00
Lieutenant-Governor, acting as Governor,	2,539 73
do do including his pay for attendance at the meetings of the commissioners of the canal fund,	954 00
Chancellor and justices of the supreme court,	8,185 30
Justices of the circuit courts,	10,085 64
Attorney-General,	1,000 00
do for clerk-hire for his office,	600 00
Late reporter of the supreme court,	284 25
Present do do	205 82
Late reporter of the court of chancery,	288 36
Present do do do	212 67
Chancellor's clerk,	604 11
Secretary of State, salary, including his compensation as superintendent of common schools,	1,500 00
Clerk-hire for the Secretary of State's office,	807 00
Printing, binding, stationary and fuel for do.	385 21
Deputy Secretary, and clerk to the commissioners of the land-office,	1,500 00
Comptroller, salary,	2,500 00
Clerk-hire for the Comptroller's office,	6,500 00
Stationary and contingent expenses of do.	672 16
Late Deputy Comptroller,	1,413 69
Present do do	164 38
Treasurer, salary,	1,375 00
do additional clerk-hire,	250 00
A. Oake, treasurer's clerk, including additional compensation, and part of quarter ending 31st Dec. 1828,	1,100 00
Stationary and expenses of Treasurer's office,	194 57
Surveyor-General, salary,	850 00
Clerk-hire for the Surveyor-General's office, and extra allowance for the same,	737 50
Stationary and expenses of do.	182 34
Late private secretary of the Governor,	300 00
Present do do	300 00
Commissary-General,	700 00
Adjutant-General,	800 00
do clerk-hire,	350 00
Judge-Advocate-General,	150 00
William Popham, clerk of the court of exchequer, per supply bill of 1828,	625 00
Legislature, including the contingent expenses of the two houses,	125,885 90
Court of errors, for attendance at the extra session, and expenses,	7,623 10
Carried forward,	$184,036 00

Expenses of the State Prisons, viz :

		Brought forward,....	$184,036 00
Auburn:			
Transportation of convicts from places of conviction to this prison,.....		$3,361 20	
General support, balance of appropriation of	1827,	2,000 00	
Building, do do	1827,	3,376 00	
do amount do	1828,	4,000 00	
Mount-Pleasant:			
Building, furnishing, general support, and pay of commissioners, ...		41,366 18	
			54,103 38

Indian Expenses.

Annuities to tribes, ...	$17,067 92	
Sarah Doxtader, her annuity, ...	70 00	
Incidental expenses attending Indian affairs,....	500 00	
Agent of the Onondaga Indians, ...	50 00	
Schools in New-Stockbridge, ...	300 00	
Attorney to the Oneida, New-Stockbridge and Brothertown Indians, ...	106 25	
		18,094 17

Miscellaneous.

Adjutant-General's department,.....	$833 01	
Apprehension of fugitives from justice,.....	2,910 07	
do of criminals by order of the Governor,.....	474 96	
Brigade and division inspectors,.....	3,918 00	
Claimants of lands improperly sold,.....	218 00	
College of physicians and surgeons in the city of New-York,.....	500 00	
Commissary's department,.....	5,965 22	
Costs attending suits in which the state is interested, exclusive of costs in relation to escheated lands, ...	663 46	
County clerks, for services under act concerning oaths,.....	36 12	
County treasurers, for balances due on the settlement of their accounts for taxes,.....	47,877 94	
Counsel to assist Attorney-General,.....	1,018 00	
Courts of inquiry, ...	1,568 00	
Support and instruction of indigent deaf and dumb,	5,892 72	
Gun-houses, for erection thereof.....	300 00	
James Minor, for his annuity, ...	60 00	
Jeremiah Ryan, do	100 00	
Frederick Sammons, do	150 00	
Maintenance of infirm confiscated slaves, and children of slaves abandoned by the owners,..	149 62	
Keepers of arsenals and the fortifications at the Narrows, for their salaries, ...	125 00	
Postage of the official letters of the Secretary of State and superintendent of common schools, the Comptroller, Treasurer, and Adjutant-General, ...	1,586 14	
Carried forward,....	$74,346 26	$256,233 55

Brought forward,....	$74,346 26	$256,233 55
Printing for the state, including the revision of the statutes, but exclusive of engrossing the same in print, and of the edition authorised by law,.	21,769 90	
Repairs of the State-Hall, ...	258 17	
Sheriff's fees, allowed by court of exchequer,...	6,947 55	
State library,.....	1,419 26	
State librarian, salary and extra services, ...	477 00	
Survey, appraisement, and advertising of public lands,.....	1,500 00	
Bounties for the destruction of wolves,.....	1,138 75	
		107,856 89

Special Appropriations, Temporary Expenses, and Particular Funds.

Appraisers of damages in constructing the canals,	$2,043 00	
Elisha C. Hickox, additional allowance on lime furnished by him for the canal, ...	4,505 23	
Ara Broadwell, for damages and costs recovered by Edward Ellis against him for stone used for the aqueduct at Little-Falls,.....	1,101 79	
Joseph D. Selden, for damages sustained by him from the construction of the Champlain canal,	6,376 00	
Henry Leiber, for damages to his canal boat by the breaking of the weigh-lock at Rochester, .	172 29	
The commissioners of the canal fund, for revenue,	1,173,018 04	
Proportion of tolls belonging to the owners of the Albany basin, for 1827, ...	2,660 27	
Support of foreign poor in the city of New-York,	12,500 00	
Hospital in the city of New-York,.....	22,500 00	
Orphan asylum in the city of New-York,.....	500 00	
Gershom Powers, agent in relation to escheated lands, balance of salary,.....	277 30	
Attorney-General, costs in ejectments from the same, ...	226 77	
Common school dividends paid to county treasurers, ...	100,000 00	
Delaware and Hudson canal stock, for account of the common school fund,.....	107,766 63	
Peter Smith, amount paid by him on block 22, Oneida Castleton, and refunded on account of an error in the appraisement, ...	99 00	
Literature fund revenue paid to the regents of the university,.....	2,307 07	
Erroneous payments of quit-rents into the treasury, refunded, ...	227 10	
		1,436,280 49
Bounty on coarse salt manufactured at Salina,..	3,071 40	
Commissioners of the canal fund, advanced out of the general funds, for the construction of the Oswego and the Cayuga & Seneca canals, ...	18,135 42	
Draining Cayuga marshes,.....	20,000 00	
Discoverers of forfeited estates, for one-fourth of monies received from sales thereof, ...	185 91	
Erroneous payments into the treasury, refunded,	613 96	
Carried forward,....	$42,006 69	$1,800,370 93

Brought forward,....	$42,006 69	$1,800,370 93
Musical instruments and colors, being the avails of military fines paid into the treasury, ...	693 79	
Redemptions received into the treasury, for lands sold for county taxes, and refunded to the purchasers, ...	75,117 52	
Road from Champlain to Hopkinton, ...	659 52	
do from Cedar Point to west line of Essex co.,	3,400 00	
Commissioners for exploring route for a rail-road from Boston to Hudson river, ...	1,300 00	
Surveys of canal routes,.....	460 30	
Commissioners for draining Madison co. marsh, for tax therefor paid into the treasury,.....	5,318 92	
Revisers of the statutes of the state, ...	8,599 31	
Contingent expenses of the same, ...	310 62	
Engrossing the same in print, ...	1,105 21	
Paper for publishing the edition of the same, authorised by law, ...	8,200 00	
Printing for do	1,899 91	
Special messengers, ...	10 00	
	———	149,081 79
Laws of the U. S., and school acts for the Secretary's office,.....	23 50	
William A. Duer, for services in assisting the chancellor,.....	50 00	
James Emott, do do do	613 76	
Rent of the house occupied by the Governor, ...	650 00	
do do the Lt. Governor,	232 00	
Taxes and water for the house occupied by the Governor, ...	72 70	
Assessment on the arsenal lot in the city of New-York, for a cross-walk, ...	13 46	
Do. on do. for paving the street adjoining the same,.....	198 44	
Transcribing books in Treasurer's office, ...	403 77	
Surplus on lot No. 108, township No. 1, Old Military tract, ...	63 43	
Do. on lot No. 70, Onondaga reservation,...	25 84	
Do. do No. 351, Paradox tract, ...	396 61	
Lynot Bloodgood, surplus on his loan,.....	2,679 06	
Copper for Burr's state atlas, ...	665 40	
Wood, Fitch & Torry, commissioners for constructing the Montezuma canal, ...	3,500 00	
Commissioners relative to the New-Jersey controversy, ...	339 75	
Boxes for laws and journals sent to the counties,	155 60	
Expenses of Governor Clinton's funeral, ...	1,395 36	
Superintendent of common schools, expenses in visiting asylums for the deaf and dumb,.....	106 15	
A. Hascall, services for the St. Regis Indians,...	89 00	
Removing intruders on Indian lands, ...	20 00	
John Sergeant, for services for the Oneida Indians,	1,500 00	
Heirs of Governor Clinton, ...	13,539 72	
Repairs of pavements in the city of Albany, ...	10 12	
Henry Spencer, for removing trespassers on public lands, ...	209 50	
H. B. Cowles, for services and expenses in Astor's claim, ...	1,044 51	
New-York Historical society, ...	5,000 00	
Carried forward,....	$34,997 68	$1,949,452 72

Brought forward,....	$34,997 68	$1,949,452 72
Refuge for juvenile delinquents, fourth payment,	2,000 00	
New-York eye infirmary,.....	1,000 00	
Fredonia academy, fourth payment,.....	350 00	
Regulating the Surveyor-General's office, ...	24 46	
Attorney-General, for services and expenses in the New-Jersey controversy,.....	143 75	
do do relative to the Sailors' snug harbor,	750 00	
Appraisement and survey of public lands, ...	58 75	
Francis Seger, for index to the Assembly journals,	50 00	
G. W. Clinton, repairs to the executive chamber,	7 25	
Commissioners canal fund, amount paid into the treasury by Robert White, for their account,..	936 49	
Transportation of laws to the counties, ...	379 71	
Postage of laws interchanged with other states,.	116 50	
Franklin academy, monies received on George McClure's mortgage,.....	384 00	
Commissioners for examining the Treasurer's accounts of 1827, ...	102 00	
Daniel Mosely, counsel in relation to the abduction of William Morgan,.....	198 58	
		39,499 17
		$1,988,951 89

[F.]

OF STATE PRISONS.

The New Prison at Mount-Pleasant.

The sum paid out of the treasury from the 31st December, 1827, to the 31st October, 1828, is..... $33,255 55

And the total amount expended to the 31st October, 1828, inclusive, is..... $123,134 01

The Prison at Auburn.

The sum paid out of the treasury for the year ending 31st October, 1828, is $9,376; of which sum $2,000 has been expended for general support, and the balance, to wit, $7,376, for building, as will appear by the statements annexed.

DR. GERSHOM POWERS, Agent and Keeper, in acct. for gen. support.

1827, Oct. 31. To balance due from agent this day, ..		$2,667 04	
Dec. 4. " cash from the treasury,.....		1,000 00	
" 29. " do do		1,000 00	
1828, Oct. 31. " Cash received at prison as follows:			
Sales at Weaver's shop, ...	$6,317 64		
Tailor's "	3,376 54		
Cooper's "	8,962 45		
Shoe "	6,248 31		
Carpenter's "	1,313 83		
Blacksmith's "	3,343 81		
Tool "	3,510 23		
Comb "	368 67		
Sundries sold at prison, ...	19 08		
Permits to visitors, ...	1,448 25		
		34,908 81	
			39,575 85

CR.

By monthly accounts of expenditures, per vouchers audited and allowed,	$33,540 11	
By balance due to the state,	6,035 74	
		$39,575 85

DR. *GERSHOM POWERS*, Agent, in account for building.

1827, Nov. 1.	To balance due the state this day,				$82 67	
1828, Apl. 14.	"	cash from the treasury,			2,000 00	
July 2.	"	do	do		1,376 00	
May 7.	"	do	do		1,000 00	
June 9.	"	do	do		1,000 00	
Aug. 11.	"	do	do		1,000 00	
Sept. 15.	"	do	do		1,000 00	
						$7,458 67

CR.

1828, Oct. 31.	By expenditures, per vouchers rendered and allowed,	$7,457 92	
	By balance due the state,	75	
			7,458 67

The Prison at New-York.

No money received from the treasury for support thereof, during the year ending the 31st October, 1828. The convicts remaining therein, were removed to the prison at Mount-Pleasant, on the 21st May last, to which time the keepers were paid.

The sum expended at the prison during the year ending the 31st October, is $21,975 52; which sum was paid from the avails of the labor of convicts therein, and there was then a balance due to the state, amounting to $1,513 97.

The account of the agent stands thus:

DR. *CORNELIUS HARSEN*, Agent, in acct. for general support.

1827, Oct. 31.	To balance due the state this day,	$15,459 69	
1828, Oct. 31.	To cash received at the prison, per agent's account, on outstanding debts, sales of prison manufactured articles, labor of convicts,	8,029 80	
			$23,489 49

CR.

1828, Oct. 31.	By amount of expenditures, per account rendered for salaries of officers, pay of guard, transportation of convicts, and sundry purchases,	21,975 52	
	By balance due the state,	1,513 97	
			23,489 49

[G.]

***STATEMENT** of duty on sales at Auction, received into the Treasury, during the year ending 30th November 1828.*

In the City of New-York.

David Austin, quarter ending,	31 Dec.	1827,	12,199 09	
	31 Mar.	1828,	14,752 38	
	30 June	"	15,525 86	
	30 Sept.	"	18,563 44	
				$61,040 77
Anthony W. Bleecker,	31 Dec.	1827,	2,196 16	
	31 Mar.	1828,	1,248 05	
	30 June	"	1,141 45	
	30 Sept.	"	713 35	
				5,299 01
James Bleecker,	31 Dec.	1827,	19 99	
	30 June	1828,	4 98	
				24 97
John T. Boyd,	31 Dec.	1827,	.....	55 81
Hunn C. Beach,	31 Mar.	1828,	2,845 96	
	30 June	"	3,414 78	
	30 Sept.	"	1,955 34	
				8,216 08
John Colville,	31 Dec.	1827,	794 41	
	31 Mar.	1828,	262 50	
				1,056 91
Jacob B. Clark,	30 June	"	2 77	
	30 Sept.	"	8 96	
				11 73
Joseph Dayman,	31 Dec.	1827,	5 83	
	31 Mar.	1828,	2 43	
	30 June	"	14 30	
	30 Sept.	"	10 40	
				32 96
John P. Dieterick,	31 Dec.	1827,	32 31	
	31 Mar.	1828,	20 65	
	30 June	"	49 44	
	30 Sept.	"	31 18	
				133 58
Charles L. Fontaine,	31 Dec.	1827,	101 68	
	31 Mar.	1828,	220 67	
	30 June	"	265 69	
	30 Sept.	"	31 93	
				619 97
John Fellows,	31 Dec.	1827,	3,641 53	
	31 Mar.	1828,	2,675 60	
	30 June	"	4,184 40	
	30 Sept.	"	1,774 92	
				12,276 45
John F. Gannon,	30 June	1827,	.....	15 61
	30 Sept.	"		
	31 Dec.	"		
James Gourlay,	31 Dec.	1827,	5 55	
	31 Mar.	1828,	4 24	
	30 June	"	3 71	
	30 Sept.	"	1 76	
				15 26

Carried forward,.....

		Brought forward,.....			
Alexander S. Glass, quarter ending,...	31	Dec.	1827,	1,450 70	
	31	Mar.	1828,	342 00	
					1,792 70
Michael Henry, ...	31	Dec.	1827,	100 80	
	31	Mar.	1828,	101 63	
	30	June	"	145 77	
	30	Sept.	"	99 81	
					448 01
Joseph Hopkins,.....	30	June	1828,	1,118 40	
	30	Sept.	"	958 92	
					2,077 32
Martin Hoffman,.....	31	Dec.	1827,	.....	1,756 39
Lindley M. Hoffman, ...	31	Mar.	1828,	1,861 10	
	30	June	"	4,323 94	
	30	Sept.	"	1,103 26	
					7,288 30
Sydney P. Ingraham, ...	31	Dec.	1827,	1 68	
	31	Mar.	1828,	7 90	
	30	Sept.	"	2 01	
					11 59
Ebenezer Irving,.....	31	Dec.	1827,	133 20	
	31	Mar.	1828,	265 21	
	30	June	"	467 45	
	30	Sept.	"	539 15	
					1,405 01
Jacob Levy, ...	31	Mar.	"	277 61	
	30	June	"	330 56	
					608 17
Abraham Le Foy,.....	31	Dec.	1827,	11 01	
	41	Mar.	1828,	78	
	30	June	"	18 40	
	30	Sept.	"	19 69	
					49 88
Richard Lawrence, ...	31	Dec.	1827,	3,202 85	
	31	Mar.	1828,	3,206 21	
	30	June	"	3,173 78	
	30	Sept.	"	4,602 49	
					14,185 33
Gilbert Lewis,.....	31	Dec.	1827,	4 00	
	31	Mar.	1828,	3 17	
	30	June	"	4 37	
	30	Sept.	"	5 31	
					16 85
Abraham R. Snyder,.....	31	Dec.	1827,	545 84	
	31	Mar.	1828,	243 60	
	30	June	"	435 65	
	30	Sept.	"	171 29	
					1,396 38
Peter McCarty,.....	30	June	1827,	112 12	
	30	Sept.	"	9 42	
	31	Dec.	"	62 51	
	31	Mar.	1828,	148 43	
	30	June	"	72 39	
					404 87
		Carried forward,.....			

	Brought forward,.....			
Robert McMenomy, quarter ending, ..	31 Dec.	1827,	10 18	
	31 Mar.	1828,	11 14	
	30 June	"	15 45	
	30 Sept.	"	2 42	
				39 19
William A. Mercein, ...	31 Dec.	1827,	.....	8 84
Rowland R. Minturn,.....	30 June	1828,	927 63	
	30 Sept.	"	381 98	
				1,309 61
Jonas Minturn, ...	31 Dec.	1827,	.....	1,181 35
Thomas Franklin,.....	31 Dec.	"	49 38	
	31 Mar.	1828,	107 90	
	30 June	"	83 83	
	30 Sept.	"	6 71	
				247 82
James Mabbett, ...	31 Dec.	1827,	2,688 04	
	31 Mar.	1828,	1,765 40	
	30 June	"	2,047 18	
	30 Sept.	"	3,028 36	
				9,528 98
William McLaughlin,.....	31 Dec.	1827,	12 16	
	31 Mar.	1828,	10 30	
	30 June	"	19 76	
	30 Sept.	"	8 92	
				51 14
James M. Miller,.....	31 Dec.	1827,	142 11	
	31 Mar.	1828,	11 67	
	30 June	"	145 88	
				299 66
Lawrence Power,.....	31 Dec.	1827,	25 69	
	31 Mar.	1828,	36 45	
	30 June	"	14 44	
				76 58
Thomas W. Pearsall, ...	31 Dec.	1827,	7,310 70	
	31 Mar.	1828,	10,441 51	
	30 June	"	7,707 87	
	30 Sept.	"	8,063 49	
				33,523 57
Israel Purdy,.....	30 Sept.	1827,	.....	2 37
Solomon Seixas, ...	31 Dec.	"	6 87	
	31 Mar.	1828,	8 39	
	30 June	"	7 82	
	30 Sept.	"	18 03	
				41 11
Aaron Sergeant, ...	31 Dec.	1827,	15 68	
	31 Mar.	1828,	7 18	
	30 June	"	3 35	
				26 21
James Seton, ...	31 Dec.	1827,	22 99	
	31 Mar.	1828,	1,096 10	
	30 June	"	111 29	
	30 Sept.	"	83 50	
				1,313 88
William Timpson, ...	31 Dec.	1827,	2,299 78	
	31 Mar.	1828,	1,797 52	
	30 June	"	2,080 72	
	30 Sept.	"	2,245 18	
				8,423 20

Carried forward,.....

	Brought forward,.....			
Abraham G. Thompson, qr. ending....	31 Dec.	1827,	3,845 96	
	31 Mar.	1828,	2,587 80	
	30 June	"	2,843 93	
	30 Sept.	"	2,154 25	
				11,431 94
Thomas Tripler,.....	31 Dec.	1827,	1,062 78	
	31 Mar.	1828,	1,000 86	
	30 June	"	1,351 89	
	30 Sept.	"	1,211 64	
				4,627 17
Stephen R. Wiggins, ...	31 Dec.	1827,	15 68	
	30 June	1828,	26 47	
				42 15
Elias Warner, ...	31 Dec.	1827,	11 35	
	31 Mar.	1828,	9 60	
	30 June	"	23 64	
	30 Sept.	"	63 38	
				107 97
W. W. Wetmore, ...	31 Dec.	1827,	2,223 17	
	31 Mar.	1828,	684 77	
	30 June	"	379 69	
	30 Sept.	"	47 70	
				3,335 33
M. D. Waud, ...	31 Dec.	1827,	596 29	
	31 Mar.	1828,	201 68	
	30 June	"	292 39	
	30 Sept.	"	1,031 64	
				2,122 00
John H. Watson, ...	30 June	"	.....	210 44
M. Van Schaick,.....	31 Dec.	1827,	7,270 55	
	31 Mar.	1828,	18,857 71	
	30 June	"	16,944 90	
	30 Sept.	"	12,745 11	
				55,818 27
Jacob Van Winkle, ...	31 Dec.	1827,	56 01	
	31 Mar.	1828,	13 85	
	30 June	"	20 54	
				90 40
Willett Seaman, ...	30 June	"	9 04	
	30 Sept.	"	13 73	
				22 77
Giles K. Coats, ...	30 June	"	5 51	
	30 Sept.	"	7 44	
				12 95
A. A. Waterhouse,.....	30 June	"	61 90	
	30 Sept.	"	46 20	
				108 10
David M. Moses,.....	30 June	"	1 84	
	30 Sept.	"	8 60	
				10 44
Geo. M. Selden, ...	30 Sept.	"	.....	4 70
William Gerard,.....	30 June	"	813 00	
	30 Sept.	"	520 79	
				1,333, 79
Total amount in the city of New-York,.....				$255,591 84

Carried forward,

In the City of Albany.

		Brought forward,.....		$255,591 84
Cornelius W. Groesbeck, qr. ending ..	31 Dec. 1827,	68 62		
	31 Mar. 1828,	60 69		
	30 June "	97 87		
	30 Sept. "	19 15		
				246 23
Clark M. Moore, ...	31 Dec. 1827,	.....		161 75
John Stilwell, ...	31 Dec. "	139 21		
	31 Mar. 1828,	169 58		
	30 June "	192 57		
	30 Sept. "	100 26		
				601 62

Utica, Oneida County.

Geo. J. Hopper, qr. ending	31 Dec. 1827,	11 56		
	31 Mar. 1828,	4 75		
	30 June "	7 25		
	30 Sept "	6 00		
				29 56
Charles Carter,.....	31 Dec. 1827,	17 65		
	31 Mar. 1828,	20 89		
	30 June "	19 72		
	30 Sept. "	18 75		
				77 01
William Egan, deceased, balance of his account, ...				0 16
John Egan, quarter ending, ...	31 Dec. 1827,	5 34		
	31 Mar. 1828,	5 50		
sales from 12 April to 12 July		1 00		
				11 84

Rochester, Monroe County.

Derick Sibley, quarter ending, ...	31 Dec. 1827,	20 00		
	31 Mar. 1828,	14 00		
				34 00
Jonathan Baker,.....	31 Dec. 1827,	5 58		
	31 Mar. 1828,	3 00		
				8 58
Geo. W. Pratt, ...	30 June "	0 47		
	30 Sept. "	5 32		
				5 79
Clark Butler,.....	30 June "	38 50		
	30 Sept. "	5 00		
				43 50
Seth Saxton, ...	30 June "	.....		43 86

Buffalo.

Leonard P. Crary, sales in 1828,.....				35 00
Joseph Anable, quarter ending 30 June 1828, ...			4 50	
30 Sept. "			0 79	
				5 29

Jefferson County.

Jason Phelps, quarter ending 30 Sept. 1828, ...				0 71

Saratoga County.

P. R. Waterbury, sales from 3d May to 27 Sept.....				2 98
		Carried forward,.....		

Orleans County.

Brought forward,.....		
Milton W. Hopkins, quarter ending 31 Dec. 1827, ...	1 90	
Sales in Mar. "	0 14	
do in May "	0 30	
		2 34

Suffolk County.

Pelatiah Fordham, sales from July to Oct. 1827,.....	4 07	
do in Mar. 1828,.....	29 41	
		33 48

Cayuga County.

Abijah Fitch, sales in April 1828, ...		2 12

Livingston County, York.

Joseph R. Ramsdell, sales from 11 May to 11 Dec. 1827, ...	1 00	
do 11 Dec. to 11 Mar. 1828, ...	10 00	
quarter ending 30 June 1828,.....	1 00	
do 30 Sept. "	0 38	
		12 38

Batavia, Genesee County.

R. P. Betts, quarter ending,.....31 Dec. 1827,	5 00		
31 Mar. 1828,	3 00		
30 June "	3 00		
30 Sept. "	18 78		
			28 78

Attica, Genesee County.

Alden S. Stevens, quarter ending.....31 Dec. 1827,	1 05		
30 June 1828,	1 50		
			2 55

Rome, Oneida County.

Peter White, sales from 10 Dec. to 19 Jan. 1828, ...	1 50	
quarter ending 31 Mar. "	1 00	
30 June "	3 50	
		6 00

Wayne County.

Truman Hemway, quarter ending 31 Dec. 1827, ...		1 12

Livingston County, Livonia.

Philip Woodruff, quarter ending 30 June, 1828, ...		14 17

Troy.

Harvey Betts, sales from 1 April to 25 Nov. 1827, ...	26 94	
quarter ending 30 June, 1828,.....	3 14	
		30 08
David S. Wendell, quarter ending 30 June, 1828,.....	9 33	
sales from 1 to 25 July, "	2 15	
		11 48
Joseph W. Churchill, sales from 15 to 30 Sep. 1828, ...		3 02
Carried forward,.....		

Oswego Village.

	Brought forward,.....		
David Bailey, sales in Oct. and Nov. 1827,.....		1 00	
quarter ending 31 Mar. 1828,.....		2 00	
30 June "		9 00	
30 Sept. "		2 00	
			14 00

Canandaigua, Ontario County.

Charles Underhill, sales from 23 June to 1 Oct. 1828,.....		2 00

Syracuse.

Chas. Cook, quarter ending 30 June 1828, ...	34 00	
30 Sept. "	3 00	
		37 00

Auburn.

Geo. C. Skinner, sales in 1827,.....	1 10	
" April 1828,.....	4 25	
quarter ending 30 June, "	8 90	
		14 25

Herkimer County.

Eli Taylor, quarter ending 30 June, 1828,.....		1 31

Newburgh.

Gardiner Thompson, quarter ending,..	31 Dec. 1827, ...	4 00		
	31 Mar. 1828, ...	2 00		
	30 June "	3 00		
				9 00
Samuel Parmenter,.....	31 Mar. "	1 00		
	30 June "	3 22		
	30 Sept. "	5 00		
				9 22

Hudson.

Stephen B. Jordan, sales in Nov. Dec. and Jan.....	11 27	
" 1 April to 9 July,.....	1 12	
quarter ending 30 Sept.....	23 06	
		35 45

Warren County.

Marquis Bain, sales in March, ...		2 00

Niagara County.

William A. Judd, sales 1 Mar. to 1 June, 1828,.....		0 37

Ithaca.

William D. Kelly, quarter ending 30 June, 30 Sept.		11 00

Broome County.

Justus Wentz, no return,.....		4 56
		$257,187 40

Ordered, That the said report be referred to the committee of ways and means.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to loan money to the county of Erie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dana, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to allow Rebecca Albro, the wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cargill, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of the widow and children of Justus Spertzell;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dean, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of Anthony M'Stay, Margaret Culbert and Mary Ganly;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Nicholas, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then again resolved itself into a committee of the whole, on the rules and orders of the house, and the report of the select committee on that subject; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported, that the committee had gone through the said rules and orders, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the usual number of copies of the said rules and orders, be printed for the use of this house.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to confirm the proceedings of the board of supervisors of the county of Chenango, in relation to the establishment of a county poor-house in said county, and for other purposes therein mentioned;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relative to public notaries, and commissioners to take acknowledgment of deeds in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Brinkerhoff, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

The report of the committee of the whole being amended, by altering the title to "An act relative to public notaries and commissioners of deeds in the city of New-York,"

Mr. Speaker put the question whether the house would agree with the committee in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock to-morrow morning.

THURSDAY, JANUARY 15, 1829.

The House met pursuant to adjournment.

The petition of Cornelius Roosa, praying for a grant of land, or a pecuniary compensation for services alleged to have been rendered during the revolution, was read, and referred to the committee on claims.

The petition of John Stainton and others, aliens, respectively praying that they may be permitted to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of Benjamin W. Dwight and others, of the county of Greene, praying for the incorporation of a bank, to be located at Catskill, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, directors and company of the Bank of Albany, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Two several petitions of sundry inhabitants of the counties of Chenango and Chautauque, praying for the repeal of the law prohibiting the practice of botanic physicians, were severally read, and ordered to be laid upon the table.

The remonstrance of sundry inhabitants of the county of Livingston, against the repeal of an act passed at the last session of the legislature, and the act amending the same, authorising the laying out a road from Lima in the county of Livingstoh, to Bethany in the county of Genesee, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the trustees of the Rensselaer Oswego academy, praying for certain legislative relief as set forth in their petition, was read, and referred to a select committee, consisting of Mr. Falley, Mr. J. M'Donald and Mr. Gosman.

The petitions of Charles James Horne, Andrew Charles and Henry Farr, aliens, praying for the passage of a law to enable them to purchase, take, hold and convey real estate within this state, were severally read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of the Chenango canal, was read, and referred to the committee on canals and internal improvements.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of William C. Bouck and

others, inhabitants of the county of Schoharie, praying for an amendment of the act erecting the town of Fulton in said county, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Edgerton asked for and obtained leave to bring in a bill entitled "An act to amend title seventh of chapter fourteenth of the First Part of the Revised Statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Bradish,

Resolved, That the comptroller be, and he is hereby requested to report to this house, the proceedings which have taken place under the act entitled "An act to loan the credit of the people of the state of New-York, to the president, managers and company of the Delaware and Hudson canal company, and for other purposes," passed March 10th, 1827; the amount of stock issued in pursuance of the said act; the time and manner in which the same has been issued; the price at which it has been sold; and, if at a premium, the amount of such premium, and the manner in which the same has been applied; the nature and extent of the security given to the state by the said company, for the faithful redemption of the said stock agreeably to its conditions, and the punctual payment of the interest thereon quarterly until the said stock shall be so redeemed: And also any information he may possess, derived from personal observation, in regard to the present condition of the property pledged to the state by the said company, as such security; the title and estimated value of such property, and consequent sufficiency of such security; and, generally, whether, from the present condition of the property, and the reasonable prospect of its future improvement and use, the expectations of the state as to its public utility are likely to be realized.

The house then proceeded to the consideration of the resolution of the Senate, relative to the appointment of a joint committee to examine into the condition and management of the state library: The same was again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That a joint committee be appointed to examine into the condition and management of the state library; and in case of such concurrence, that Mr. Stebbins, Mr. Maynard and Mr. Mather, be of the said committee on the part of the Senate.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution; and that Mr. Johnson, Mr. Paige, Mr. Williamson, Mr. Fleming and Mr. Bradish, be of the said committee on the part of this house.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

Mr. W. Hall, from the committee on engrossed bills, reported, that the committee have examined the engrossed bill entitled "An act to allow Rebecca Albro, the wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather;" the engrossed bill entitled "An act to confirm the proceedings of the board of supervisors of the county of Chenango, in relation to the establishment of a county poor-house in said county, and for other purposes therein mentioned;" the engrossed bill entitled "An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the county of Sullivan;" and the engrossed bill entitled "An act to loan money to the county of Erie;" and find the said bills severally correctly engrossed.

Thereupon,

The said engrossed bill, entitled "An act to allow Rebecca Albro, the wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to confirm proceedings of the board of supervisors of the county of Chenango, in relation to the establishment of a county poor-house in said county, and for other purposes therein mentioned," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the county of Sullivan," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to loan money to the county of Erie," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of Anthony M'Stay, Margaret Culbert and Mary Ganly," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 121}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Hubbell	Mr. Seely
Mr. Allison	Mr. Efner	Mr. Hynds	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Ives	Mr. Sill
Mr. Arnold	Mr. Evans	Mr. Jenkins	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Johnson	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Judd	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Keith	Mr. T. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. C. L. Livingston	Mr. Spier
Mr. Barnett	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. Stanton
Mr. Bogert	Mr. W. K. Fuller	Mr. Mallory	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mandeville	Mr. Tabor
Mr. Bradish	Mr. Gardiner	Mr. Mathews	Mr. Tailor
Mr. Brinkerhoff	Mr. Garnsey	Mr. J. M'Donald	Mr. Teller
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. Titus
Mr. Burt	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Cargill	Mr. Graham	Mr. Mixer	Mr. J. Van Buren
Mr. Carley	Mr. Graves	Mr. Morell	Mr. P. Van Buren
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. Vanderbilt
Mr. Chandler	Mr. J. Hall	Mr. Nicholas	Mr. Van Wyck
Mr. Collier	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Dana	Mr. Hascall	Mr. Patridge	Mr. Wheeler
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. White
Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Dean	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Defreest	Mr. Holdridge	Mr. Sanford	Mr. Williamson
Mr. Dickson	Mr. Hornbeek	Mr. Savage	Mr. Wyckoff
Mr. Dyckman	Mr. Hubbard	Mr. Scott	Mr. Young
Mr. Dygert			121

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of the widow and children of Justus Spertzell," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 113
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hornbeek	Mr. Savage
Mr. Allison	Mr. Edgerton	Mr. Hubbard	Mr. Scott
Mr. Armstrong	Mr. Efner	Mr. Hubbell	Mr. Seeley
Mr. Arnold	Mr. Eldridge	Mr. Hynds	Mr. Sheppard
Mr. Austin	Mr. Evans	Mr. Ives	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Jenkins	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. Johnson	Mr. A. Smith
Mr. C. Baker	Mr. Fitch	Mr. Jones	Mr. H. D. Smith
Mr. E. Baker	Mr. Fleming	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Fowler	Mr. Lindsley	Mr. T. L. Smith
Mr. Barnett	Mr. Franklin	Mr. C. L. Livingston	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. Mallory	Mr. Stanton
Mr. Bradish	Mr. Gardner	Mr. Mandeville	Mr. Starr
Mr. Brinkerhoff	Mr. Garnsey	Mr. J. M'Donald	Mr. Tabor
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Burt	Mr. Gosman	Mr. M'Niel	Mr. Teller
Mr. Cargill	Mr. Graham	Mr. Mixer	Mr. Titus
Mr. Carley	Mr. Graves	Mr. Morell	Mr. Tower
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. J. Van Beuren
Mr. Chandler	Mr. J. Hall	Mr. Nicholas	Mr. P. Van Beuren
Mr. Collier	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Curtiss	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Dana	Mr. Hascall	Mr. Partridge	Mr. White
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Heermans	Mr. Redfield	Mr. Wyckoff,
Mr. Defreest	Mr. Holdridge	Mr. Sanford	Mr. Young
Mr. Dickson			113

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to public notaries and commissioners of deeds in the city of New-York," and find the same correctly engrossed.

Thereupon,

By unanimous consent of the house, the title of the said bill was altered to "An act relative to public notaries and commissioners to take the acknowledgment of deeds in the city of New-York."

The said engrossed bill was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Pursuant to the act entitled "An act prescribing the times, places, and manner of holding elections for senators to represent this state in the senate of the United States," and agreeably to the concurrent resolution of the Senate and Assembly of Tuesday last, the Assembly proceeded to nominate a senator in the Congress of the United States, in the place of the Hon. Martin Van Buren, resigned; when each member present openly nominated as follows:

For Charles E. Dudley.

Mr. Al Burtis	Mr. Dean	Mr. Ives	Mr. Savage
Mr. Allison	Mr. Dygert	Mr. Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Edgerton	Mr. Jones	Mr. Sloughter
Mr. Arnold	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. L. Smith
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. T. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. Mathews	Mr. Tabor
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. W. M'Donald	Mr. Teller
Mr. Burt	Mr. Graves	Mr. Morell	Mr. Titus
Mr. Cargill	Mr. J. Hall	Mr. Myers	Mr. Tower
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. J. Van Beuren
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Vanderbilt
Mr. Collier	Mr. Hedges	Mr. Phoenix	Mr. Van Wyck
Mr. Dana	Mr. Hornbeek	Mr. Randall	Mr. Waugh
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Sanford	Mr. Wyckoff 30

For Ambrose Spencer.

Mr. Bacon	Mr. Gross	Mr. Mallory	Mr. Starr
Mr. Barnett	Mr. Heermans	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Bradish	Mr. Holdridge	Mr. M'Niel	Mr. Wheeler
Mr. Curtiss	Mr. Hubbell	Mr. Sill	Mr. White
Mr. Defreest	Mr. Johnson	Mr. H. D. Smith	Mr. Young
Mr. Gardiner			21

For Albert H. Tracy.

Mr. Bailey	Mr. Fleming	Mr. Hascall	Mr. Scott
Mr. Carley	Mr. P. C. Fuller	Mr. Hazeltine	Mr. Sheppard
Mr. Dickson	Mr. Garbutt	Mr. Mixer	Mr. Waring
Mr. Evans	Mr. Garnsey	Mr. Nicholas	Mr. Willey
Mr. Fillmore	Mr. Goodman	Mr. Partridge	Mr. Williams 20

On motion of Mr. Savage,

Resolved, That Charles E. Dudley, of the city and county of Albany, be, and he is hereby nominated on the part of this house, a senator to represent this state in the Senate of the Congress of the United States, in the place of the Hon. Martin Van Buren, resigned.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their nominations for senator to represent this state in the Senate of the United States.

Thereupon,

Resolved, That this house concur with the Senate in the preceding resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

The Senate accordingly attended in the Assembly chamber; and having withdrawn, Mr. Speaker informed the house, that on comparing the nominations of the Senate and Assembly, they were found to agree in the name of Charles E. Dudley, of the city of Albany.

Thereupon,

On motion of Mr. Jenkins,

Resolved, That Charles E. Dudley, of the city and county of Albany, be, and he is hereby appointed a senator to represent this state in the Senate of the

Congress of the United States, in the place of the Hon. Martin Van Buren, resigned.

A communication from the revisers of the statute laws of this state, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York.

The undersigned, in behalf of the revisers of the statutes of this state, beg leave respectfully to report:

That by a resolution of the House of Assembly of the 17th of March 1828, the petition of the mayor, aldermen and commonalty of the city of Hudson, relating to a division and consolidation of the laws concerning that city, together with the draft of a bill consolidating and amending those laws, was referred to the revisers. Their engagements during the meetings of the Legislature during the past year, prevented the revisers from examining the said petition and bill, in time to report thereon previous to the adjournment of the last meeting.

The undersigned have now examined the said bill. They find many alterations of the existing laws, the principal object of which appears to be to supply omissions in those laws, and to enlarge the powers of the common council; but as they presume the reference to them was not made for the purpose of procuring their opinion upon these alterations, and as indeed they are incompetent to judge of those which are local and peculiar, they abstain from any observations concerning them.

The language of the bill is correct, and little if any improvement can be made in its phraseology or arrangement. Some of the sections are unnecessary, as they are already included in the general laws comprised in the Revised Statutes; and others will require amendment, to conform them to provisions contained in those statutes. The alterations and amendments which appear to be necessary, are indicated in the paper hereunto annexed.

All which is respectfully submitted,

B. F. BUTLER,
J. C. SPENCER.

January 8, 1829.

AMENDMENTS.

Sec. 1. After the word "beginning" in the third line, strike out the words "at the channel of the Hudson river," and insert "at the westerly bounds of the county of Columbia."

Same section, 12th line, after "manor," strike out all to the word "aforesaid," 17th line, and insert "and the same continued to the westerly bounds of the said county, and then along the said westerly bounds to the place of beginning."

[This is conformable to the description of the city of Hudson contained in the Revised Statutes, in which the west bounds of the city are extended to the westerly bounds of the county of Columbia. Under the laws now in force, there is a portion of the county of Columbia which is not included in any of the subdivisions of that county.]

§ 14. Strike out all after the word "money" in the 10th line, to the word "and" in the 13th line inclusive, and insert the following, "not less than five nor more than thirty dollars, as the said common council shall think proper; and they".

Same section. After "city," 16th line, add the following clause: "and every person licensed to keep an inn or tavern, shall be required to execute the like bond, with the like surety, as may from time to time be required by the laws of this state, relative to excise and the regulation of inns and taverns, and shall be subject to all the provisions of law concerning the keepers of inns and taverns in the several towns of this state."

[These amendments are proposed to render the section more explicit, and to remove a doubt in regard to the liability of the keepers of inns and taverns to give security, &c.]

§ 15, line 30. Strike out from the word "act" inclusive, to the words "1801" inclusive, in the 32d line, and insert the words "last preceding section."

§ 16, 5th line. Strike out from the word "aforesaid" inclusive, to the word "taverns" in the 7th line inclusive, and insert "laws of this state concerning excise and the regulation of inns and taverns."

§ 23. Strike out from the word "act" inclusive, in the 15th line, to the word "act" inclusive, in the 16th line, and insert "statutes of this state concerning the relief and support of indigent persons."

[The amendments proposed to the 15th, 16th and 23d sections, are merely verbal. The act to which the sections refer by their titles, have been revised, and after the 1st of January 1830, will not be known by the titles of the original acts. The references above suggested, will not only conform to the revised statute when it takes effect, but in the mean time will include the existing laws.]

§ 27. Strike out the whole section. It is a new provision, and is moreover repugnant to the revised statute concerning the relief of the poor. Part 1, ch. 20, tit. 1.

§ 37. Strike out the whole section. It is contained in the Revised Statutes, Part 3, ch. 1, tit. 6, § 7.

§ 39, line 3. Strike out the words "act to regulate highways," and insert "statutes of this state concerning highways."

§ 45. Strike out the whole section, and insert the following in lieu thereof:

"§ 45. It shall be the duty of the sealer of weights and measures for the county of Columbia, to furnish from time to time to the sealer of weights and measures to be appointed for said city by the common council thereof, copies of such original standards as may be transmitted to the said county sealer for distribution; and the said city sealer shall possess the like powers, and be subject to the like duties and obligations, as the sealers of the several towns in this state."

[This section will be more consistent with the present general law, and with the revised statute on this subject, than the section in the draft.]

§ 52. Strike out all after the word "city" in the third line, and insert the following, "in criminal cases, as are given by law to the justices of the peace of the several towns of this state."

Ordered, That the said communication, together with the documents accompanying the same, be referred to the committee on the incorporation of cities and villages.

A communication from the canal commissioners, was read, in the words following, to wit:

The canal commissioners, to whom was referred by the Hon. the Assembly, the petition of the commissioners of highways of the town of Fayette, report:

The Seneca lock navigation company, for the purpose of forming a navigable communication between the Seneca lake and its outlet, made a cut through a neck of land at the foot of the lake, over which they erected two bridges for the accommodation of two public roads, which intersect on the north side of this cut; one of which bridges failed in 1827, and the other the last season.

Application was made to rebuild these bridges at the expense of the state; alleging, that inasmuch as the state had purchased the interest of the company to all the works connected with their navigation, they were under obligations to maintain these bridges.

It was supposed that the canal commissioners had no authority to expend the public money for any object separate from that of constructing the Cayuga and Seneca canal; and as the continuance of this act is not necessary for any purposes of the canal, they declined rebuilding these bridges.

It may, however, be proper to remark, that with reference to the health of the inhabitants at the head of the lake, and the interest of the proprietors of lands affected by a rise of water in the lake, it would be important to preserve this channel, as the natural outlet of the lake is obstructed by dams and other erections.

WILLIAM C. BOUCK,
In behalf of the Canal Commissioners.

January 15, 1829.

Ordered, That the said report, together with the documents accompanying the same, be referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to increase the number of trustees of the Methodist episcopal church in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie,' passed April 15th, 1828;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Noble, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock to-morrow morning.

FRIDAY, JANUARY 16, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Pompey in the county of Onondaga, praying for the passage of an act to alter the time of holding the annual town-meetings in said town, was read, and referred to a select committee, consisting of Mr. J. Hall, Mr. Jenkins and Mr. L. Smith.

The petition of sundry inhabitants of the counties of Erie and Cattaraugus, praying for the construction of a canal from Buffalo creek to the Allegany river, through the valley of the Conewango, was read, and referred to the committee on canals and internal improvements.

The petition of the clerks employed in the Albany post-office, praying to be exempted from the performance of military duty, was read, and referred to the committee on the militia and the public defence.

The petition of William Williams, receiver of the Bank of Niagara, praying legislative relief in relation to a certain debt due the state, and certain property held by the state as security for the payment of the same, was read, and referred to the comptroller.

The petition of Frances Wilkinson, John Wilkinson and Dorothy Wilkinson, aliens, praying for the passage of a law to release to them certain lands purchased by their father, and to enable them to purchase, take, hold, and convey real estate within this state, was read, and referred to a select committee, consisting of Mr. Paige, Mr. Skinner and Mr. Burt.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law to authorise the removal of sundry papers, records and documents, as set forth in the petition from the county of Ulster, to the county of Sullivan, was read, and referred to the committee on the judiciary.

The petition of the president, directors and company of the Mechanics' Bank in the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the south part of the county of Washington, praying for the passage of an act authorising the construction of a side-cut from the Champlain canal to the Hudson river, between Saratoga and Still-water falls, was read, and referred to the committee on canals and internal improvements.

The petition of Samuel T. Shephard and others, of the towns of Fort-Edward and Greenwich, in the county of Washington, praying remuneration for damages occasioned by the construction of the Champlain canal, was read, and referred to the canal board.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Plainfield in the county of Otsego, praying for the repeal of a law passed April 19th, 1828, appointing commissioners to lay out a certain public highway in said town, reported:

That the committee have given the subject that attention and inquiry which they believed was necessary, to present the merits of the application fairly before the house. Among other things of which they complain, is that the bill was introduced on notice, and passed before a remonstrance could be presented. The committee have not, however, been able to discover much weight in this argument; because no one seems to deny but that the road, when constructed, will be found useful. The most annoying part of their feelings appear to be aimed at the damage awarded by the assessors, to the proprietors of the land through which the road was laid. From the assessment, it appears an appeal was brought by the authorities of the town, before the board of supervisors of said county, for their consideration; in which case a partial relief was granted, and the matter adjusted as a majority of that board thought proper. In which case, the committee believe that board much better qualified to judge of the merits of the controversy, than those to whose consideration the subject has been committed.

One other consideration the committee beg leave to allude to. Since the passage of the law complained of, the then owner of the land has sold; and the purchaser, knowing the highway was laid out at the time of making it, would not his right be infringed upon if the law was to be repealed?

The subject does, as you will have perceived, partake of the feelings of the complainants most on account of the high assessment; in which case, the committee do not think come within their duty, acting as a committee to whom the subject has been referred. They have therefore directed their chairman to introduce the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Ordered, That the said report and resolution be laid upon the table.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Franklinville in the county of Cattaraugus, praying for a division of that town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Franklinville, in the county of Cattaraugus;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the select committee to which was referred the petition of Jonathan Alexander, reported:

That the petitioner is a resident on lands ceded to the people of this state by the Stockbridge Indians, and comes within the provision of the second section of the act of March 12th, 1823, which provides for persons having made improvements on any of said lands.

It appears from the certificate of the surveyor-general, that the petitioner became entitled to the pre-emption of the west part of lot number 8 of the West-hill tract in New-Stockbridge, containing $92\frac{73}{100}$ acres; and, jointly with one James Alexander, to lot number 9 in the same tract. But that neither the

petitioner, nor the said James Alexander, complied with the provisions of the act referred to.

It also appears from a deed of James Alexander to the petitioner, that James Alexander conveyed to the petitioner all of the interest which he had in lot number 9 above mentioned. The lands are still unsold, and the petitioner applies for the same, on the terms which are contained in the several sections of the said act.

As the state has suffered no loss by the delay, and no sale has been effected, the committee are of opinion that the prayer of the petitioner ought to be granted, and have prepared a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the select committee to which was referred the petition of Erastus Willard, reported:

That in the year 1824, the chiefs of the Oneida Indians, with the consent of their attorney, leased to Erastus Willard, for the term of five years, sixty acres of land, being a part of lot number twenty-five in the Oneida reservation; and that the said Erastus Willard has been to great expense in improving said land previous to the purchase by the state, with the understanding that he could have a pre-emptive right to purchase the same; and that the said Erastus did not occupy the said land, but about two years previous to the purchase of the same; and from the statement of the surveyor-general upon the subject, which is herewith presented, the said Erastus' right to have the land at the appraisal made by Peleg Gifford, which he is willing to take.

And as the committee can see no loss resulting to the state by such sale, they think the prayer of the petitioner ought to be granted, and have prepared a bill for that purpose, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act authorising the commissioners of the land-office to sell a certain lot of land;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Gross, from the select committee to which was referred the petition of Henry H. Ross and Charles M'Neil, reported:

The petitioners state that they are engaged in building a steam-boat on Lake Champlain, for conveying freight, passengers, &c. and towing boats and rafts: That the business requires the employment of a larger capital than can be furnished by themselves; and that the concerns of many proprietors cannot be managed with safety, except by an incorporation: That there are already two incorporated steam-boat companies on that lake, both located in Vermont; and that an act of incorporation is necessary to enable them to carry on business with success.

The committee believe the facts stated, on account of the respectability of the petitioners, and because the facts are matters of public notoriety; and they are of opinion that the prayer of the petitioners is reasonable, and ought to be granted.

They have therefore directed their chairman to prepare a bill, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Gross, according to leave, brought in the said bill, entitled "An act to incorporate the Essex steam navigation company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fowler, from the select committee to which was referred the petition of the judges of the court of common pleas, and members of the bar of the county of Orange, praying for an extension of the terms of the said court, reported:

That it appears satisfactorily to the committee, that the county courts of the said county are unable to perform all of the business brought before them at the respective terms thereof, as now established by law; and the committee therefore deem the prayer of the petitioners reasonable, and have directed their chairman to ask leave to bring in a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Fowler, according to leave, brought in the said bill, entitled "An act to extend the terms of the county courts in and for the county of Orange;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Wyck, from the select committee to which was referred the petition of the supervisors of the county of Dutchess, praying for the passage of a law to alter the time of their annual meeting, reported:

That at a meeting of the board of supervisors of the county of Dutchess, held at the court-house in the village of Poughkeepsie in said county, on the 15th of December 1828, it was unanimously resolved, that application be made to the honorable the legislature, for an act changing the time of holding the annual meeting of said board of supervisors, from the second Tuesday in November, to the first Monday in October in each and every year; and that the chairman and clerk be directed to present a petition for such purpose.

The committee would state, that previous to the session of 1825, the time of holding the annual meeting of the supervisors of Dutchess, was on the first Monday in October, as is now sought to be obtained: That a change being desired by several counties, it was thought best by the delegation from Dutchess to include said county, without instruction, as is believed, from their constituents.

The committee having examined the reasons for the proposed change set forth in the petition, although others might be assigned, believe them to be conclusive, and are unanimously of opinion that the prayer of the petitioners ought to be granted.

The committee have prepared a bill accordingly, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Van Wyck, according to leave, brought in the said bill, entitled "An act to alter the time of annual meeting of the board of supervisors in the county of Dutchess;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige gave notice that he would, on some future day, ask leave to introduce a bill relative to district attornies, and also a bill relative to justices of the peace of the city of Schenectady.

On motion of Mr. T. L. Smith,

Resolved, That the committee to whom is referred that portion of the governor's message relating to salaries, be, and they are hereby instructed to examine the expediency of reducing the official compensation of the register for the city and county of New-York, and making it in future a salary office; and that said committee report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie,' passed April 15th, 1828;" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie,' passed April 15th, 1828," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act relative to deeds and mortgages executed, or to be executed by the Public School society of New-York;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. T. L. Smith, Mr. J. Van Beuren and Mr. Al Burtis, to consider and report thereon.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That the following be the "Joint Rules of the Senate and Assembly:"

1. Each house shall transmit to the other, all papers on which any bill or resolution shall be founded.

2. When a bill or resolution which shall have passed in one house, is rejected in the other, notice thereof shall be given to the house in which the same may have passed.

3. Messages from one house to the other, shall be communicated by the respective clerks of each house, unless the house transmitting the message shall especially direct otherwise.

4. It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two houses upon any subject of legislation, either house may request a conference, and appoint a committee for that purpose, and the other shall also appoint a committee to confer. The committees shall meet at such hour and place as shall be agreed upon by their chairman, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses, and confer freely thereon. And they shall be authorised to report to their respective houses, such modifications or amendments as they may think advisable.

6. It shall be in order for either house to recede from any subject matter of difference subsisting between the two houses at any time previous to conference, whether the papers on which such difference has arisen are before the house receding, formally or informally; and that a majority shall govern, except in those cases where two-thirds are required by the constitution. And the question having been put and lost, shall not be again put on the same day; and the reconsideration thereof shall in other respects be regulated by the rules of the respective houses.

7. After each house shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session in either house.

8. The same bill shall not create, renew, or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one act of incorporation; nor shall the same bill appropriate the public money or property to more than one local or private purpose. And bills appropriating money for the payment of the officers of government, shall be confined to that purpose exclusively.

9. Whenever there shall be a ballot for officers by the two houses, the result shall be certified by the President of the Senate and Speaker of the Assembly, and shall be reported by the presiding officer of each house to their respective houses, and be entered on the journals of each, and shall be communicated to the Governor by the clerks of the two houses.

10. No bill which shall have passed one House, shall be sent for concurrence to the other, on either of the two last days of the session.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

A communication from A. Keyser, treasurer of the state, was read, in the words following, to wit:

TREASURER'S OFFICE,
STATE OF NEW-YORK.

Albany, January 16, 1829.

SIR,

I have the honor herewith to transmit the annual report directed to be exhibited to the Legislature, at its annual meeting, in and by the act relative to the duties of the treasurer of this state.

Very respectfully, Sir,
Your most obedient servant,
A. KEYSER, *Treasurer.*

Hon. PETER ROBINSON,
Speaker of the House of Assembly of the State of New-York.

TREASURER'S OFFICE—STATE OF NEW-YORK.

Statement of the Balance in the Treasury, and the amount of receipts and payments of the last official year, ending the 30th Nov. 1828.

RECEIPTS.

Tolls received on the Erie, Champlain and Oswego canals, ...	$822,134	87
Vendue duty, ...	257,187	40
Tax on salt manufactured in the western district, ...	111,546	36
Interest on bonds for lands of the general fund, ...	40,145	31
Principal of the same, ...	29,264	69
Interest on bonds for lands of the common school fund, ...	6,204	48
Principal of the same, ...	5,452	03
Interest on miscellaneous bonds and mortgages, ...	10	17
Principal of the same, ...	219	83
Interest on bonds for lands of the literature fund, ...	4,314	88
Principal of the same, ...	2,843	43
Interest on bonds for escheated lands, ...	594	03
Principal of the same, ...	1,301	62
Interest on loan of 1786, ...	2,005	80
Principal of the same, ...	1,529	17
Interest on the loan of 1792, ...	23,434	27
Principal of the same, ...	20,922	61
Interest of the loan of 1808, ...	23,422	08
Principal of the same, ...	3,817	96
Dividends on bank stock, viz.—Bank of America, ...	3,283	20
New-York State Bank, ...	1,432	02
Mechanics' and Farmers' Bank,	845	00
Bank of Columbia, ...	1,200	00
Mohawk Bank, ...	300	00
Merchants' Bank, ...	11,448	00
Manhattan Company, ...	3,500	00
Middle District Bank, ...	3,000	00
Interest on loans to individuals and corporations, ...	14,470	30
Principal of the same, ...	16,196	68
Public stock of the general fund, sold to the commissioners of the canal fund, ...	20,000	00

Carried forward,

Brought forward,	
Balances due from individuals on the settlement of their accounts,	54 00
Fees accounted for by the comptroller,	527 44
Fees accounted for by the secretary of state,	576 20
Wharfage, &c. from the state pier at Sagg-Harbor,	285 65
Sales of general fund lands,	5,430 63
" of school fund do	12,567 12
" of escheated do	200 11
" of literature fund do	246 00
" of Oswego canal fund do	13,960 00
Rents of surplus waters,	1,723 00
Rents of lands leased of the general fund,	420 30
" " of the school fund,	537 44
Fees of the clerk's office of the supreme court,	782 77
Interest on loans of the literature fund,	365 18
Premium on sales of stock issued by the state for the benefit of the Delaware and Hudson canal company,	34,726 75
Interest on public stock of the general fund,	15,000 00
" " of the school fund,	13,910 92
State tax,	249 99
Pedlers' licenses,	1,990 00
Arrears of county taxes,	27,570 58
Interest of the same,	3,367 78
Quit-rents,	52 44
Tax on incorporated companies,	28,980 17
Redemption of lands sold for arrears of taxes,	76,564 68
Of the commissioners of the canal fund, for amount advanced to them in 1827 and 1828, out of the general funds,	155,196 01
Tax for draining marsh in Madison county,	4,951 29
Redemption of lands sold for said tax,	155 32
Sales of lands for arrears of county taxes, and direct tax of U. S.	21 11
Military fines,	145 14
Miscellaneous receipts,	105,421 98
	$1,938,006 19

PAYMENTS.

Late governor,	$1,460 27
Lieutenant-governor, acting as governor,	2,539 73
Incidental expenses of government,	750 00
Lieutenant-governor,	954 00
Chancellor and justices of the supreme court,	8,185 30
Justices of the circuit courts,	10,085 64
Comptroller,	2,500 00
Clerk hire for the comptroller's office,	6,500 00
Stationary and contingent expenses of do	672 16
Late deputy comptroller,	1,413 69
Present do	164 38
Secretary of state and superintendent of common schools,	1,500 00
Clerk hire for the secretary of state's office,	807 00
Stationary, &c. for do	385 21
Deputy secretary,	1,500 00

Carried forward,

Brought forward,	
Treasurer,	1,375 00
Clerk hire for the treasurer's office,	250 00
Stationary and expenses for do	194 57
A. Oake, treasurer's clerk,	1,100 00
Surveyor-general,	850 00
Clerk hire for the surveyor-general's office,	737 50
Stationary and expenses for do	182 34
Attorney-general,	1,000 00
Clerk hire for attorney-general's office,	600 00
Adjutant-general,	800 00
Clerk hire for the adjutant-general's office,	350 00
Judge advocate general,	150 00
Commissary-general,	700 00
Late reporter of the supreme court,	284 25
Present do	205 82
Late reporter of the court of chancery,	288 36
Present do	212 67
Late private secretary of the governor,	300 00
Present do	300 00
State librarian,	477 00
Chancellor's clerk,	604 11
Clerk of the court of exchequer,	625 00
Legislature,	125,732 90
Court of errors,	7,623 10
Auburn state prison,	9,376 00
Transportation of convicts,	3,361 20
Mount-Pleasant state prison,	41,366 18
Apprehension of fugitives from justice,	3,385 03
College of physicians and surgeons in the city of New-York,	500 00
Support of foreign poor in the city of New-York,	12,500 00
Deaf and dumb, (Central Asylum,)	1,260 00
Do (New-York,)	4,632 72
Gun-houses,	300 00
Bounties for the destruction of wolves,	1,138 75
Draining Cayuga marshes,	20,000 00
Premium on salt manufactured at Salina,	3,071 40
Canal appraisers,	2,043 00
Indian annuities,	17,067 92
Sarah Doxstader, her annuity,	70 00
Schools in New-Stockbridge,	300 00
Incidental expenses attending Indian affairs,	500 00
Agent of the Onondaga Indians,	50 00
Attorney to the Oneida, New-Stockbridge and Brothertown Indians,	106 25
Brigade inspectors,	3,972 00
Division do	12 00
Adjutant-general's department,	833 01
Counsel to assist attorney-general,	1,018 00
Costs of suit,	663 46
Courts-martial,	1,568 00
Commissary's department,	5,965 22
Keepers of arsenals,	125 00

Carried forward,

Brought forward,	
James Minor, for his annuity,	60 00
Jeremiah Ryan, do	100 00
Frederick Saumons,	150 00
Slaves,	109 12
Repairs of the state hall,	258 17
Postage of the official letters of the secretary of state and superintendent of common schools, the comptroller, treasurer, and adjutant-general,	1,586 14
Proportion of tolls, to the owners of the Albany basin for 1827,	2,660 27
State library,	1,419 26
County treasurers,	47,877 94
Clerks of counties,	36 12
Claimants of lands improperly sold,	218 00
Printing for the state,	21,769 22
Sheriffs,	6,947 55
Survey, &c. of public lands,	1,500 00
Commissioners of the canal fund, advanced out of the general fund, for the construction of the Oswego and the Cayuga and Seneca canals,	18,135 42
Erroneous payments into the treasury, refunded,	645 51
Roads,	5,359 52
Surveys of canal routes,	460 30
Revising and publishing the laws,	20,115 05
Commissioners of the canal fund,	1,173,018 04
Hospital in the city of New-York,	22,500 00
Escheated lands,	504 07
Common schools,	100,000 00
Orphan Asylum in the city of New-York,	500 00
Commissioners for draining the Madison county marsh,	5,318 92
Discoverers of forfeited estates,	185 91
Delaware and Hudson canal stock, for account of the common school fund,	107,766 63
Regents of university,	2,307 07
Redemptions received into the treasury for lands sold for county taxes, and refunded to the purchasers,	74,984 80
Military fines,	693 79
Erroneous payment of quit-rents into the treasury, refunded,	227 10
Peter Smith, amount paid by him, &c. refunded,	99 00
Special messengers,	10 00
Canal fund,	11,983 02
Do miscellaneous payment,	172 29
Miscellaneous payments,	39,581 11
	$1,988,804 48

DR. **ABRAHAM KEYSER, Treasurer, in account with the State of New-York.** *CR.*

1827, Nov. 30.	To balance due the state,	$163,043 16	1828, Nov. 30.	By amount of payments from the first day of December 1827, to the 30th November 1828, inclusive,	$1,988,804 48
	Amount of receipts from the 1st day of December 1827, to the 30th day of November 1828, inclusive,	1,938,006 19		Balance due the state,	112,244 87
		$2,101,049 35			$2,101,049 35

1828, Nov. 30.	To balance brought down,	$112,244 87	1828, Nov. 30.	By amount of balances standing to the credit of the treasurer in the Commercial and Manhattan Banks, in which the public monies are directed by law to be deposited, ..	$101,694 39
	Amount of outstanding drafts,	9,045 43		Amount deposited to the credit of the treasurer, in the Mechanics' and Farmers' Bank at Albany,	19,628 59
	Amount of uncertified deposits made in the Manhattan Bank,	32 68			
		$121,322 98			$121,322 98

A. KEYSER, *Treasurer.*

In pursuance of title four of chapter eight of the Revised Statutes, the undersigned, a committee appointed for that purpose by concurrent resolution of both houses of the legislature, do certify, that we have examined the accounts and vouchers relating to the monies received into, and paid out of the treasury, for the year commencing on the first day of December 1827, and ending on the last day of November 1828, both days inclusive; and that we find by the accounts of the treasurer, and by the books and certificate of the comptroller, that during that period, the sum of one million nine hundred thirty-eight thousand and six dollars and nineteen cents, has been received by the treasurer; and that the balance in the treasury on the said first day of December, was one hundred and sixty-three thousand forty-three dollars and sixteen cents, as appears by the same documents; which sums together amount to two million one hundred and one thousand forty-nine dollars and thirty-five cents: That the payments out of the treasury during the same time, as appears by the warrants and vouchers presented to us, all of which we have examined, amount to one million nine hundred eighty-eight thousand eight hundred and four dollars and forty-eight cents; leaving a balance in the treasury on the said thirtieth day of November last, of one hundred and twelve thousand two hundred and forty-four dollars and eighty-seven cents.

And we further certify, that we have examined the treasurer's bank book with the Commercial Bank in the city of Albany; by which it appears, that on the day last mentioned, there was a balance of public monies standing to the credit of the said treasurer in said bank, of one hundred thousand three hundred and thirty-nine dollars and seventy-one cents: That we have also examined the statements signed by the cashiers of the Mechanics' and Farmers' Bank of Albany, and the Manhattan Company in the city of New-York, respectively; by which it appears, that on the same day, there was of public monies standing to the credit of the treasurer, in the Mechanics' and Farmers' Bank, nineteen thousand six hundred and twenty-eight dollars and fifty-nine cents, and in the Manhattan Company, one thousand three hundred and fifty-four dollars and sixty-eight cents; which balances in the aggregate amount to one hundred and twenty-one thousand three hundred and twenty-two dollars and ninety-eight cents, and which exceed the balance required nine thousand and seventy-eight dollars and eleven cents, arising, as appears by the certificate of the comptroller, in the following manner: First, the amount of nine thousand and forty-five dollars and forty-three cents, from checks drawn by the treasurer, and unpaid on the day aforesaid; second, the amount of thirty-two dollars and sixty-eight cents, from deposits in the Manhattan Bank, uncertified to the treasurer, but appearing in the account of said bank.

And we do further certify, that we have compared the warrants drawn by the comptroller upon the treasury during the time aforesaid, with the several laws under which they were drawn; and find them all to have been properly drawn, with the exceptions mentioned in our report to the legislature of this date.

C. STEBBINS,
D. WARDWELL,
N. P. TALLMADGE.

Dated December 29, 1828.

Ordered, That the said communication be referred to the committee of ways and means, and that the usual number of copies of the same be printed for the use of the legislature.

The house then again resolved itself into a committee of the whole, on the resolution offered by Mr. Gross, to abrogate the ninth section of the seventh article of the constitution of this state; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land:" and after some time spent thereon, Mr. Speaker resumed the

chair, and Mr. Al Burtis, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to divide the town of Franklinville, in the county of Cattaraugus;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Essex steam-boat navigation company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. White, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to alter the time of annual meeting of the board of supervisors in the county of Dutchess;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mixer, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend the terms of the county courts in and for the county of Orange;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act to extend the terms of the county courts in and for the counties of Orange and Rensselaer," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock to-morrow morning.

SATURDAY, JANUARY 17, 1829.

The House met pursuant to adjournment.

The petition of Harvey Granger, of the county of Saratoga, setting forth that fraudulent proceedings were had at the polls of the election in the town of Greenfield in said county, and praying to be admitted to a seat in this house, was read, and referred to the committee on privileges and elections.

The petition of sundry inhabitants of the town of Greenfield in the county of Saratoga, praying legislative inquiry relative to the annual election in said town, together with sundry affidavits on the same subject, were read, and referred to the committee on privileges and elections.

Two several petitions of sundry inhabitants of the counties of Steuben, Yates, and a part of Ontario, praying for the passage of a law to authorise the construction of a canal from Bath in the county of Steuben, to the Seneca lake, were severally read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the incorporation of a turnpike company, by the name and style of the "Ogdensburgh and Heuvel turnpike company," was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of George Robb, praying for the passage of a law to authorise him to appeal to the supreme court, from an assessment of damages sustained by him by the construction of the Erie canal, made by the canal commissioners, was read, and referred to the committee on the judiciary.

The petition of Abner Smith, of the city of New-York, a revolutionary soldier, praying certain legislative aid as set forth in his petition, was read, and referred to the committee on claims.

The petition of the president, directors and company of the Jefferson County Bank, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Charles H. Carroll and others, of the county of Livingston, praying for the passage of an act authorising the construction of a canal from Rochester to Olean Point, along the valley of the Genesee river, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of an act authorising the construction of the Chenango canal, was read, and referred to the committee on canals and internal improvements.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the counties of Montgomery and Schoharie, praying for the incorporation of a company to construct a turnpike road from the village of Canajoharie, to intersect the Great Western turnpike at some point in the town of Sharon in the county of Schoharie, reported:

That on the part of the applicants, it is stated that they are desirous of constructing a turnpike road, from some point on the Western turnpike, to the village of Canajoharie. From the statements set forth in the petition, corroborated by persons who wish to be interested in said road, and have assured the committee that it would be very useful to the farmers and merchants, to transport their produce and merchandize to and from the Erie canal; it is also further represented that this is the most eligible route for the construction of such road, as to the wants, accommodations, and wishes of the people residing in that neighbourhood. The length of the road will be, if constructed as proposed, about ten miles: its route will be, the most of the way, along the valley of creeks; and the expense attending its construction will be small, in comparison with the immense advantages that will accrue to persons residing in that section of the country. At present, they are under the necessity of transport-

ing their property to the city of Albany by land, and receive their supplies from the same source, rather than attempt the precarious route to the canal. It is represented to the committee, if the road be constructed, it will add business to the Erie canal. The committee are of opinion, that it is proper to grant facilities to those persons who will invest their funds in promoting industry, convenience and wealth. They have prepared a bill accordingly, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Canajoharie and Sharon turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the memorial of David H. Burr, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act in addition to an act providing for the publication of a map and atlas of this state;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the memorial of Gideon Lee and others, of the city of New-York, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to incorporate the Harlaem literary and scientific academy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to deeds and mortgages executed, or to be executed by the Public School society of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Noble, from the select committee to which was referred the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan officers, to citizens of this state," reported, that the committee have examined the said bill, and with the amendment therewith submitted, see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Paige, from the select committee to which was referred the petition of Francis Wilkinson, John Wilkinson and Dorothy Wilkinson, of the town of Duanesburgh in the county of Schenectady, reported:

That John Wilkinson, the father of the petitioners, being a resident of this state in the year 1823, obtained permission by act of the legislature to hold real estate in this state. That he made application to become naturalized, but died before the expiration of the time required by law for him to obtain his certificate of naturalization. That during his life, he purchased lands in this state. That since the time of said purchase, he has died intestate, leaving the petitioners his only surviving children. That the petitioners are aliens, have resided long, and intend to continue residents in the United States. That the petitioners also intend to take the necessary steps to become naturalized citizens of the United States.

The committee, from the foregoing facts, are satisfied that the prayer of the petitioners is reasonable, and therefore ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act for the relief of Francis Wilkinson and others;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to divide the town of Franklinville, in the county of Cattaraugus;" the engrossed bill entitled "An act to alter the time of annual meeting of the board of supervisors in the county of Dutchess;" and the engrossed bill entitled "An act to extend the terms of the county courts in and for the counties of Orange and Rensselaer;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act to divide the town of Franklinville in the county of Cattaraugus," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to alter the time of annual meeting of the board of supervisors in the county of Dutchess," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to extend the terms of the county courts in and for the counties of Orange and Rensselaer," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to increase the number of trustees of the Methodist episcopal church in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	109
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hornbeek	Mr. Savage
Mr. Allison	Mr. Edgerton	Mr. Hubbard	Mr. Scott
Mr. Armstrong	Mr. Efner	Mr. Hubbell	Mr. Sheppard
Mr. Arnold	Mr. Eldridge	Mr. Ives	Mr. Skinner
Mr. Austin	Mr. Evans	Mr. Jenkins	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Johnson	Mr. A. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith
Mr. E. Baker	Mr. Fitch	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Lindsley	Mr. T. L. Smith
Mr. Barnett	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Bogert	Mr. Franklin	Mr. Mann	Mr. Tabor
Mr. Boynton	Mr. P. C. Fuller	Mr. Mathews	Mr. Tailor
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Crea	Mr. Teller
Mr. Brinkerhoff	Mr. Garbutt	Mr. J. M'Donald	Mr. Titus
Mr. Brown	Mr. Gardiner	Mr. W. M'Donald	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. M'Niel	Mr. J. Van Buren
Mr. Cargill	Mr. Gosman	Mr. Mixer	Mr. Vanderbilt
Mr. Carley	Mr. Graham	Mr. Morell	Mr. Van Wyck
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. Waring
Mr. Chandler	Mr. J. Hall	Mr. Nicholas	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Paige	Mr. White
Mr. Dana	Mr. Hascall	Mr. Patridge	Mr. Willey
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Heermans	Mr. Redfield	Mr. Wyckoff
Mr. Defreest	Mr. Holdridge	Mr. Sanford	Mr. Young
Mr. Dickson			109

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Essex steam navigation company," and that the same is correctly engrossed.

Ordered, That the said bill be laid upon the table.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823;" the said report being, that the committee had gone through the said bill, and agreed to the same without amendment.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

A communication from Charles E. Dudley, was read, in the words following, to wit:

Albany, January 17, 1829.

GENTLEMEN,

I have received the resolutions of the Senate and Assembly, appointing me a senator to represent the State in the Senate of the Congress of the United States, in the place of the Hon. Martin Van Buren, resigned.

Impressed with a deep sense of the honor which has been conferred on me, I ask permission, through you, to communicate to the Senate and Assembly, my acceptance of the appointment, and my grateful acknowledgments for this high proof of their confidence.

I have the honor to be, with great respect,
Your most obedient servant,
CHARLES E. DUDLEY.

To the Honorable ENOS T. THROOP,
President of the Senate of the State of New-York.

And the Honorable PETER ROBINSON,
Speaker of the Assembly of the State of New-York.

The annual report of William Barber, inspector of beef and pork for the county of Oneida, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York.

The subscriber, inspector of beef and pork in and for the county of Oneida and state of New-York, hereby certifies and reports as follows, viz:

That he has, during the year ending the thirty-first day of December, A. D. 1828, put up and inspected..... 134 barrels mess beef.

"	"	.....	239	"	prime beef.
"	"	.....	200	"	prime pork.
"	"	.....	96	"	mess pork.
Six hundred and sixty-nine barrels,			669	Fees, at 15 cts.	$100 35

Received for fees, one hundred dollars thirty-five cents.

WILLIAM BARBER, *Inspector.*

Lee, Oneida County, N. York, Jan. 15, 1829.

Ordered, That the said report be laid upon the table.

The house then again resolved itself into a committee of the whole, on the resolution to abrogate the ninth section of the seventh article of the constitution of this state; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act in addition to an act providing for the publication of a map and atlas of this state;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Tower, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Harlaem literary and scientific academy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dygert, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan officers, to citizens of this state;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. C. L. Livingston, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Francis Wilkinson and others;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Williamson, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act relative to deeds and mortgages executed, or to be executed by the Public School society of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jenkins, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

And then the House adjourned until eleven o'clock on Monday morning next.

MONDAY, JANUARY 19, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Tompkins, praying for the passage of an act to incorporate a bank, to be located at Ithaca, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Thomas E. Clark and others, praying for the incorporation of a bank, to be located at Utica, and styled the "Bank of Oneida," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the village of Utica, praying for the passage of an act authorising them to elect the president of that village, or that the said president may be appointed by the trustees, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the counties of Genesee, Cattaraugus, Erie and Chautauque, praying for the appointment of commissioners to lay out a certain road, from Canadaway in the county of Chautauque, to Perry in the county of Genesee, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the counties of Genesee and Livingston, against the repeal of an act passed during the last session of the legislature, which authorised the construction of a road between Lima in the county of Livingston, and Bethany in the county of Genesee, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the president, directors and company of the Union Bank of the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Two several petitions of sundry inhabitants of the counties of Steuben, Yates, and a part of Ontario, praying for the passage of a law to authorise the construction of a canal from Bath in the county of Steuben, to the Seneca lake, were severally read, and referred to the committee on canals and internal improvements.

Three several petitions of sundry inhabitants of the counties of Wayne, Yates and Ontario, praying for the repeal of the law which prohibits the practice of botanic physicians, were read, and ordered to be laid upon the table.

Two several petitions of James Ledgerwood and Patrick M'Gire, severally praying that they may be permitted to purchase, take, hold, and convey real estate, were read, and referred to the committee on the petitions of aliens.

The petition of James and John Ledgerwood, praying further compensation for services in the construction of certain locks on the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a company, to be styled the "Company of Moa," was read, and referred to a select committee, consisting of Mr. Myers, Mr. Bogert and Mr. Arnold.

The petition of Frederick Stanley, of the city of New-York, praying for certain legislative relief as set forth in his petition, was read, and referred to the committee on claims.

The petition of the stockholders and proprietors of the bridge across the Susquehannah river at the village of Binghamton, praying to be incorporated, by the name and style of "The Susquehannah bridge company of the village of Binghamton," with a capital of $10,000, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation turnpike companies.

The petition of sundry inhabitants of the village of Lockport in the county of Niagara, and others, praying for the incorporation of a bank, to be located in that village, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the commissioners appointed to superintend the construction of a court-house and gaol in the county of Broome, praying for an amendment of the law under which they were appointed, was read, and referred to a select committee, consisting of Mr. Fitch, Mr. Phœnix and Mr. Chandler.

The petition of the board of supervisors of the county of Broome, praying for the passage of a law to authorise the construction of a new clerk's office in and for said county, was read, and referred to a select committee, consisting of Mr. Fitch, Mr. Phœnix and Mr. Chandler.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the petition of the clerks in the Albany post-office, praying to be exempted from the performance of military duty, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Brinkerhoff, according to leave, brought in the said bill, entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dean, from the committee on Indian affairs, to which was referred the petition of the First Christian party of the Oneida Indians, together with that part of the same nation called the Orchard party, reported:

That upon a deliberate investigation of the petition, with what other information the committee could procure on the subject, it appears that the Oneida nation originally owned an extensive region, situated within this state, consisting of a rich and productive soil, and comprising every natural advantage necessary for the encouragement of agricultural and manufacturing pursuits. That by the first treaty which the chiefs of that nation made with the state of New-York, in the year 1788, they ceded all the lands which they then owned, to this state; reserving only a right to possess a certain portion of it during their own pleasure. This reservation, being at first of some thirty or forty miles extent, has been reduced, by subsequent contracts, to a very limited area, so that the whole nation does not at present possess more than eight or nine thousand acres of land.

This tribe, it appears, is now divided into three parties, and distinguished by the names of the first and second Christian parties, together with the Orchard party. The first and last of these denominations, are the subjects of the present application, and unite in supplicating that the governor be directed by legislative enactment, to purchase their lands at an equitable price, and pay the amount whenever they shall so dispose of the same to the state of New-York.

One reason assigned by the chiefs of the first Christian party, for asking the full value of their land, is, that they have purchased a large tract at Green Bay, west of Lake Michigan. They intend to move to that place as soon as practicable: Nearly one hundred of said party design to migrate the ensuing summer. Without the full value of their lands, they would not be able to arrive at a region so remote from their present residence, nor even prepare themselves with the apparel necessary for such a journey.

They also state to the committee, that their present abode is surrounded by tippling houses, which contribute largely to sap the morals of the tribe, and annihilate their acquired taste for education and industry. Although laws have been enacted to prevent the sale of spirituous liquors to them by the citizens of this state, yet from a love of gain on the one hand, and a thirst for ardent spirits on the other, it is found absolutely impracticable to check this lamentable and growing evil in their nation. Their chiefs, and those of them who are not addicted to the excessive use of ardent spirits, are extremely anxious that the tribe should speedily move to Green Bay, where, at a distance from places whence that fascinating poison can be obtained, their nation may not only be saved from extinction, but regain their native vigor, and be enabled to procure for themselves and their progeny a comfortable subsistence.

From the best information the committee could procure, it appears that a part of the Oneida nation, and almost the whole of the Stockbridge tribe, have gone to Green Bay. Those have turned their attention to agricultural pursuits with a comparatively high degree of avidity. This circumstance, in the humble opinion of the committee, amounts at least to a presumptive proof of the substantial advantages which would result to that people from their entire migration.

The committee are not in possession of any documents, by which to ascertain with accuracy, the precise extent of territory transferred by the Oneida nation to this state. It appears, however, that their lands were sold for a mere trifle, and always at a nominal value. These sales, the committee believe, must have been highly advantageous to the state, as will be seen by referring to Mr. Denniston's communication on that subject.

From the researches the committee have been able to make, it evidently appears that the existence of the different parties above mentioned, has been recognized by this state in the following treaties, made with each of them respectively: The negotiations of 1817 and 1826, were made with the second Christian party alone; that in 1824, was made with the first Christian party; and the compact of 1827, was exclusively with the Orchard party. Each party has its separate parcel of land, distinguished by metes and boundaries, and is therefore capable of asking relief, and ratifying its own contracts.

It further appears, that by a legislative act of this state, bearing date the 17th of March, 1826, the Stockbridge Indians were allowed the full value of their lands. The native inference presented to the committee from this circumstance, is, that if the Stockbridge tribe received the full value of the lands which became theirs by the gratuitous generosity of the Oneida nation, how much rather should the latter receive a fair equivalent for that of which they were the original owners, and which they now propose the disposal of to this state?

As serious disputes have frequently arisen among the three forementioned parties, respecting the division of their existing annuity from this state, the committee, with deference, ask leave to suggest the propriety of appointing, by legislative enactment, three proper persons, to make a final division among the three parties, and settle the same according to equity.

Finally: Considering the legislature of this state as the voluntary guardian of the remaining remnant of that once renowned and powerful nation, which, with untiring ardor faced the tyrant foe throughout the protracted struggles of our blood-bought revolution: Considering, also, the ample sources of wealth which a transfer of their lands has opened to this state, and which a further transfer would continue to augment, together with the justness of their claims, and the destitute circumstances of their situation, the committee believe that gratitude for the past, magnanimity for the present, and sound policy for the future, combine with all the better feelings of humanity and the virtues of christianity, to regard the final supplications of that declining race. They therefore are unanimously of opinion, that the prayer of the petitioners ought to be granted; and for that purpose have prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Dean, according to leave, brought in the said bill, entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Falley, from the select committee to which was referred the petition of the trustees of the Rensselaer Oswego academy, praying for certain legislative relief as set forth in their petition, reported:

That the committee have had the same under consideration. That on the 18th of April 1827, the taxable inhabitants of school district number five in the town of Mexico in the county of Oswego, did individually execute to the trus-

tees of the said academy, a writing releasing the land and building owned and occupied by said school district, in the words following, to wit:

"We the subscribers, inhabitants of school district number five in the town of Mexico, do hereby agree to release unto the trustees of the Rensselaer Oswego academy and their successors, all our right, title, and interest in the brick school-house in said district, and the land belonging to the same; provided, the academy shall be permanently located on the said land. Dated at Mexico, April 18th, 1827."

That by an act of the legislature of this state, passed March 28th, 1828, the Rensselaer Oswego academy is permanently located upon the said land; and inasmuch as it appears doubtful whether the aforesaid conveyance is valid in law, the petitioners request that a law may be passed, authorising the trustees of said school district number five, to convey, by a sufficient deed, the said house and land, to the trustees of the said Rensselaer Oswego academy; which request the committee consider just and reasonable, and they have directed their chairman to ask leave to introduce a bill for that purpose.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act for the relief of the trustees of the Rensselaer Oswego academy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Bradish,

Ordered, That Mr. Edgerton and Mr. Starr be added to the committee on the subject of a road from Port Kent to Hopkinton.

Ordered, That Mr. White have leave of absence for seven days, and Mr. Hynds for four days.

Mr. Dayton gave notice, that on some future day, he would ask leave to introduce a bill to shorten the term for which the firemen of the city of New-York are required to serve, in order to procure a subsequent exemption from jury and militia duty.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the Harlaem literary and scientific academy;" the said report being, that the committee had gone through the said bill, and agreed to the same without amendment.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land;" the said report being, that the committee hae gone through the said bill, and agreed to the same without amendment.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act in addition to the act providing for the publication of a map and atlas of this state;" the engrossed bill entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823;" the engrossed bill entitled "An act further to extend the time for the payment of mouies loaned by the commissioners of loans and loan officers, to citizens of this state," and the engrossed bill entitled "An act for the relief of Francis Wilkinson and others;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act in addition to an act providing for the publication of a map and atlas of this state," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act for the relief of Francis Wilkinson and others," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 110
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr Jenkins	Mr. Scott
Mr. Allison	Mr. Efner	Mr. Johnson	Mr. Seeley
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Sheppard
Mr. Arnold	Mr. Evans	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Keith	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Barnett	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Bogert	Mr. Garbutt	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Graves	Mr. Morell	Mr. J. Van Beuren
Mr. Cargill	Mr. Gross	Mr. Myers	Mr. P. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Nicholas	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. Van Wyck
Mr. Chandler	Mr. Hammond	Mr. Norton	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Paige	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Holdridge	Mr. Redfield	Mr. Wyckoff,
Mr. Defreest	Mr. Hubbard	Mr. Savage	Mr. Young
Mr. Dickson	Mr. Ives		110

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act relative to deeds and mortgages executed, or to be executed by the Public School society of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 108}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Ives	Mr. Scott
Mr. Allison	Mr. Efner	Mr. Jenkins	Mr. Seely
Mr. Armstrong	Mr. Eldridge	Mr. Johnson	Mr. Sheppard
Mr. Austin	Mr. Evans	Mr. Jones	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Fitch	Mr. Lindsley	Mr. A. Smith
Mr. E. Baker	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. H.W.Livingston	Mr. L. Smith
Mr. Barnett	Mr. Franklin	Mr. Mallory	Mr. T. L. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. Mann	Mr. Speaker
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Stanton
Mr. Bradish	Mr. Garnsey	Mr. M'Crea	Mr. Starr
Mr. Brinkerhoff	Mr. Goodman	Mr. J. M'Donald	Mr. Tabor
Mr. Burt	Mr. Gosman	Mr. W. M'Donald	Mr. Tailor
Mr. Cargill	Mr. Graham	Mr. M'Niel	Mr. Teller
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Titus
Mr. Carrier	Mr. Gross	Mr. Morell	Mr. Tower
Mr. Chandler	Mr. J. Hall	Mr. Myers	Mr. J. Van Buren
Mr. Collier	Mr. W. Hall	Mr. Nicholas	Mr. Vanderbilt
Mr. Curtiss	Mr. Hascall	Mr. Noble	Mr. Van Wyck
Mr. Dana	Mr. Hazeltine	Mr. Paige	Mr. Waugh
Mr. Davenport	Mr. Hedges	Mr. Patridge	Mr. Wheeler
Mr. Dayton	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Dean	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Dygert	Mr. Hubbell	Mr. Savage	Mr. Young 108

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The annual report of Henry Strang, an inspector of beef and pork for the county of Westchester, was read, in the words following, to wit.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

Town of Mamaroneck, Westchester county, Jan. 12, 1829.

The law requiring every inspector to report annually to the legislature, on or before the first day of February in each year, the quantity, quality and value of the provisions inspected by him during the year ending on the first day of January, together with the amount of the fees and emoluments derived from his office, and also the improvement of the quality or increase in the quantity of the articles subject to his inspection; I have inspected the following:

106	barrels	mess pork,	worth from	$12 to $12.50	per barrel.
97	"	prime pork,	do	9 to 9.55	do
11	"	beef,	do	6 to 6.50	do

Fees on 203 bbls. pork, at 15 cts. per barrel, amounting to	$30 05
Do on 11 bbls. beef, at 15 cts.....	1 65
	$31 70

I know of no alteration can be made for the better than the law now stands, for the improvement of inspection.

HENRY STRANG, *Inspector of Beef and Pork.*

Ordered, That the said report be laid upon the table.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the Legislature will, on Saturday the 24th instant, at 12 o'clock at noon, proceed to the choice of comptroller and attorney-general.

Ordered, That the said resolution be laid upon the table.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to loan money to the county of Erie," and the bill entitled "An act to confirm the proceedings of the board of supervisors of the county of Chenango, in relation to the establishment of a county poor-house in said county, and for other purposes therein mentioned," severally without amendment.

Ordered, That the clerk deliver the said bills to the Governor.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act relative to the Brooklyn Savings Bank," and the bill entitled "An act respecting female convicts in the state prison at Mount-Pleasant;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act relative to the Brooklyn Savings Bank," was referred to a select committee, consisting of Mr. Wyckoff, Mr. Jones and Mr. Dayton; and the bill entitled "An act respecting female convicts in the state prison at Mount-Pleasant," was referred to the committee on state prisons, severally to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the resolution to abrogate the ninth section of the seventh article of the constitution of this state; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

TUESDAY, JANUARY 20, 1829.

The House met pursuant to adjournment.

The petition of Reuben Ellis, praying for an amendment of the act authorising him to contract with the ordnance department for certain fire-arms, was read, and referred to the committee on the militia and the public defence.

The petition of sundry inhabitants of the county of Oswego, praying for the appointment of commissioners for the purpose of making a central location for the court and other public buildings in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of John Stewart, praying for the passage of an act authorising him to draw water from the Champlain canal through a trunk, instead of drawing over a wall as required by existing laws, was read, and referred to the canal commissioners.

Two several petitions of sundry inhabitants of the counties of Yates, Steuben, and a part of Ontario, praying for the passage of a law to authorise the construction of a canal from Bath in the county of Steuben, to the Seneca lake, were severally read, and referred to the committee on canals and internal improvements.

The petition of Barnet Bond, praying remuneration for the loss of a boat and cargo in the Champlain canal, was read, and referred to the committee on claims.

The petition of Daniel Payn and others, inhabitants of the town of Fort-Edward in the county of Washington, praying to be remunerated for damages alleged to have been sustained by the construction of the Champlain canal, was read, and referred to the canal appraisers.

The remonstrance of the trustees of school district number two in the town of Gates in the county of Monroe, against the passage of a law for the relief of Matthew Brown, as prayed for in his petition, was read, and referred to the select committee on that subject, of which Mr. Norton is chairman.

The petition of Henry Light, John Light and others, inhabitants of the county of Tioga, praying for the passage of an act authorising them to erect a dam in the Susquehannah river in the town of Tioga in said county, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Andrew P. Tillman, praying relief relative to a contract entered into by him for the construction of certain locks on the Seneca and Cayuga canal, was read, and referred to the committee on canals and internal improvements.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the commissioners of highways of the town of Fayette in the county of Seneca, praying to be remunerated for money expended in the erection of a bridge over the Seneca lock navigation canal, reported:

That the town of Fayette in said county, has been subjected to the expense of rebuilding a bridge over the Seneca canal. This canal was formerly the property of a private company; and, of course, that company became liable to erect and maintain the necessary bridges over that canal. Since which, however, the state has considered this lateral canal of so much importance, as to purchase the whole rights and privileges granted to the stockholders in their charter. The question now arises, whether the state, in purchasing the interest of this company, did not make themselves liable to all the provisions contained in the general laws regulating inland navigation companies, which laws make it imperative upon said corporation. The committee are of opinion that the state did incur that obligation; and upon an examination of the revised laws of 1802, 2d volume, page 304, will be found the law which governs their opinion. Under this view of the application, the committee have prepared a bill, directing the canal commissioner who has charge of the Seneca canal, to pay such sum as will pay the expense of such bridge, not exceeding two hundred dollars; which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to authorise the canal commissioner to pay the supervisor of the town of Fayette in the county of Seneca, two hundred dollars;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of Christopher Eldridge and others, praying for the incorporation of the Susquehannah bridge company, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act incorporating the Susquehannah bridge company of the village of Binghamton;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of David Crocker and others, praying for the passage of an act authorising the building of a toll-bridge across the Chenango river, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the building of a toll-bridge across the Chenango river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of Joshua Lounsbury and Rufus Lounsbury, praying for the passage of an act authorising them to erect a dam across the Susquehannah river in the town of Conklin in the county of Broome, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land," and the engrossed bill entitled "An act to incorporate the Harlaem literary and scientific academy;" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act authorising the commissioners of the land-office to sell a certain lot of land," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Harlaem literary and scientific academy," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 106}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hornbeek	Mr. Scott
Mr. Allison	Mr. Dygert	Mr. Hubbard	Mr. Seeley
Mr. Armstrong	Mr. Edgerton	Mr. Hubbell	Mr. Sheppard
Mr. Arnold	Mr. Efner	Mr. Ives	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. Jenkins	Mr. Sloughter
Mr. Bacon	Mr. Evans	Mr. Johnson	Mr. A. Smith
Mr. Bailey	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. T. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Fleming	Mr. H. W. Livingston	Mr. Spier
Mr. Barnett	Mr. Fowler	Mr. Mallory	Mr. Stanton
Mr. Bogert	Mr. Franklin	Mr. Mandeville	Mr. Tabor
Mr. Boynton	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Gardiner	Mr. W. M'Donald	Mr. Titus
Mr. Brown	Mr. Garnsey	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Mixer	Mr. P. Van Beuren
Mr. Cargill	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Carley	Mr. Gross	Mr. Myers	Mr. Van Wyck
Mr. Carrier	Mr. J. Hall	Mr. Nicholas	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Willey
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Young
Mr. Dean	Mr. Holdridge		

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. J. M'Donald,

Ordered, That the canal board be discharged from the further consideration of the petition of S. T. Shepherd and others, and that the same be referred to the canal appraisers.

Mr. Van Wyck gave notice that he would, on some future day, ask leave to introduce a bill, amendatory of article fifth of title second of chapter fifteenth of the Revised Statutes, relating to public instruction.

Mr. Edgerton gave notice, that on some future day, he would ask leave to introduce a bill, providing for the election of justices of the peace at the annual town meetings in the several towns in this state.

On motion of Mr. Edgerton,

Resolved, That the standing committee on privileges and elections have power to send for persons and papers; and that they report to this house their proceedings on the same, from time to time, as the said committee shall deem expedient.

The house then proceeded to the consideration of the resolution of the Senate, as entered on the journals of this house of yesterday; the same being amended, was again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the Legislature will, on Saturday the 14th of February next, at 12 o'clock at noon, proceed to the choice of a comptroller, secretary of state, treasurer, commissary-general and surveyor-general; and on Saturday the 24th instant, at 12 o'clock at noon, to the choice of an attorney-general.

Mr. Speaker put the question whether the house would agree to the said resolution as amended, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the preceding resolution as amended, to the Senate.

The annual report of Adam W. Youl, an inspector of beef and pork for the city and county of New-York, was read, in the words following, to wit:

REPORT OF ADAM W. YOUL, OF THE CITY AND COUNTY OF NEW-YORK, INSPECTOR OF BEEF AND PORK.

To the Honorable the Legislature of the State of New-York:

Pursuant to the 185th section of the revised statute, chap. xvii. "Of the regulation of trade in certain cases," inspected by me during the year ending the first day of January, 1829.

PORK.

Mess pork,.....	99	barrels.
Prime do	129	"
Cargo do	00	"
Thin Mess do	9	"
Navy pork, ...	146	"
Soft do	23	"
Tainted do	6	"
Total,	412	barrels.

Amount of fees and emoluments,..... $600 35

BEEF, none.

Remarks that may tend to improvement of the quality, or increase of the quantity of the article subject to inspection.—That it shall be the duty of every inspector to see every barrel sorted and weighed, of beef or pork that he shall inspect or brand, under the penalty of

City of New-York, January, 1829.

Ordered, That the said report be laid upon the table.

A communication from the canal commissioners, was read, in the words following, to wit:

The canal commissioners, to whom was referred by the Hon. the Assembly, the petition of Loyd Williams, report:

That the petitioner represents that he is the owner of twenty-five acres of timber land in the town of Camillus, which is injured by the leakage of the Erie canal, and requires much expense in ditching; and that on application to the canal commissioners, they refused to grant him relief.

The petitioner applied to one of the canal commissioners to ditch and drain his land. This application was refused, on the ground that if the petitioner was injured by the construction of the canal on his land, he had his remedy by an application to the canal appraisers.

On the construction and first filling of the canal, the commissioners, in order to avoid unnecessary injury to individuals, and to save the state from the payment of damages, cut ditches to carry off the water which flowed out of the canal: but in all cases where the propriety of incurring this expense was doubtful, or where the claim appeared unreasonable, they have considered it their duty to refer the claimants to the appraisers, who have authority to award such damages as shall appear just and reasonable, in reference to benefits as well as injuries, arising from the acts of the canal commissioners.

It is now nearly ten years since the canal was constructed on the petitioner's land; and if he has been injured thereby, and has not obtained compensation, it is because he has not made application to the tribunal which the Legislature has constituted for the express purpose of granting relief in such cases.

In behalf of the Canal Commissioners,
HENRY SEYMOUR.

January 15, 1829.

Ordered, That the said report and petition be referred to the committee on grievances.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the county of Sullivan," with the amendments therewith delivered.

The said bill and amendments were read, and the amendments having been again read, were severally concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie,' passed April 15th, 1828," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

The house then again resolved itself into a committee of the whole, on the resolution to abrogate the ninth section of the seventh article of the constitution of this state; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported, that the committee had disagreed to the said resolution; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garnsey, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the

same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the trustees of the Rensselaer Oswego academy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. M'Donald, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the canal commissioner to pay the supervisor of the town of Fayette in the county of Seneca, two hundred dollars;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "an act incorporating the Susquehannah bridge company of the village of Binghamton;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Gross, from the said committee, reported progress, and asked for leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

WEDNESDAY, JANUARY 21, 1829.

The House met pursuant to adjournment.

The petition of Joseph E. Smith and others, praying for the passage of an act to empower the canal board to settle their claim for damages sustained by reason of sickness on the Oswego canal, was read, and referred to the canal commissioners.

The petition of the president, directors and company of the Middle District Bank, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the counties of Steuben, Yates, and part of Ontario, praying for the passage of a law to authorise the construction of a canal from Bath in the county of Steuben, to the Seneca lake, was read, and referred to the committee on canals and internal improvements.

The petition of Samuel Lewis and others, inhabitants of the counties of Saratoga and Washington, praying to be remunerated for damages sustained by the construction of the Champlain canal, and the erection of the Fort Miller dam, was read, and referred to the canal appraisers.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to incorporate a company for the purpose of constructing a railway from the town of Salina in said county, to the Susquehannah river, was read, and referred to the select committee on that subject, of which Mr. Curtiss is chairman.

The petition of sundry inhabitants of the towns of Tioga and Nichols in the county of Tioga, praying to be incorporated for the purpose of erecting a bridge across the Susquehannah river at Smithsborough, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Isaac Vail, of the town of Kingsbury in the county of Washington, praying to be remunerated for services alleged to have been performed by him on the Champlain canal, was read, and referred to the canal commissioners.

The petition of Elijah Butterfield and others, praying remuneration for damages occasioned by the construction of the Champlain canal, was read, and referred to the canal appraisers.

The petition of Plynn Darby, setting forth that while engaged in excavating and blasting rocks on the Champlain canal, he met with a certain personal injury, and praying pecuniary relief from the state, was read, and referred to the committee on grievances.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of Stephen Van Rensselaer and others, praying for the incorporation of the Albany Institute, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to incorporate the Albany Institute;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of Cornelius Higgins, praying for remuneration for building a certain block-house at Salina, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Cornelius Higgins;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of Abel Guthrie and others, heirs of Christian Guthrie, praying for certain legislative relief as set forth in their petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of the heirs of Christian Guthrie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Noble, from the committee on state prisons, to which was referred the engrossed bill from the Senate, entitled "An act respecting female convicts in the state prison at Mount-Pleasant," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of Jonathan Eddy and others, praying for the incorporation of a company to construct a turnpike from the city of Troy to Bennington, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company;" which read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of Reuben Halsted and others, praying for the incorporation of a company to construct a turnpike from the city of Troy to Pittstown, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Penisten-kill turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of the citizens of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of a canal through the valley of the Chenango river to Cleveland's pond, thence to the Erie canal, reported:

That the committee, in considering the subject referred to them, and which has been several times before the legislature, have endeavoured to bestow upon it that attention which it deserves, and have examined the various reports that have heretofore been made on this subject, from an examination of which they have been much aided in their deliberations. The committee will barely refer to the various proceedings that have been had, relative to the construction of the proposed canal, before they proceed to the reasons which lead them to the results at which they arrive.

In the year 1814, the subject of connecting the waters of the Susquehannah with the Erie canal, was agitated; and in 1824 a petition was presented for the survey of the Chenango canal, and a bill was introduced but was not acted upon, for want of time. The report of the committee may be found in the journals of that year, page 1054.

In the session of 1825, a bill was introduced for the survey of a canal through the valley of the Chenango, to which was finally added sixteen other routes; and in this manner the bill passed. James Geddes, Esq. made a survey of the route of this canal, among others, and his report may be found in the journals of 1826, p. 5, Appendix F.

At the session of the legislature in 1826, petitions were again presented for the construction of this canal; and Mr. Allen, chairman of the committee on canals, reported a bill for the construction of the work, which was lost on its third reading. The report will be found in the journal of 1826, p. 1031.

At the session of 1827, the subject was again before the legislature, and a favorable report was again made, which will be found in journals 1827, p. 565. The bill at that session passed the house by a decided majority, but was lost in the Senate. The principal objections urged in 1826 and '27, against the application, were, that the cost of construction was not sufficiently ascertained, and that the supply of water on the summit level was doubtful.

At the last session of the legislature, the subject was again presented for their consideration. The petitioners supposed from the minute surveys and estimates of Messrs. Roberts & Hutchinson, both as to the sufficiency of water and the cost of construction, which were then presented, (and accompany this report, marked A.) and which had been the principal objections urged against their claims at former sessions, all doubts on these subjects had been removed. The canal committee were however divided in opinion, and two very able reports were presented to the legislature. The one by Mr. Mann, for the majority of the committee against the measure, which will be found in the journal of 1828, p. 515. The other, by Mr. Granger, for the minority of the committee, which he introduced as a substitute for the report of the majority, accompanied by a bill for the construction of the canal; vide journal 1828, p. 522. This report was adopted by the house, and the bill passed by a decided vote. The bill was again rejected in the Senate, and principally, it is supposed, on account of the questions that were raised at the preceding session.

The petitioners supposed they had put these questions at rest, by the additional estimates and surveys which they had caused to be made by Messrs. Roberts and Hutchinson, able and experienced engineers. In order, however, as far as possible, to remove all doubt on these subjects, the friends of this canal during the past season employed *Benjamin Wright, Esq.* late chief engineer on the Erie canal, a name identified with the splendid works of internal improvements, which has raised our state to an enviable pre-eminence, and whose opinion need only to be known to receive implicit confidence.

He has minutely examined the route of the canal, re-examined the estimates made by Messrs. Roberts & Hutchinson, and is decidedly of opinion that there *is an abundant supply of water on the summit level, without resorting to the contingent and secondary supply.*

He remarks "that with the measurement of the water made by Nathan S. Roberts, a gentleman long known to me for his care, and caution and accuracy in all such calculations," &c., "I viewed the several streams proposed as feeding water for the summit. I found them (as represented by the inhabitants of the neighborhood) at an average of common summer water; but evidently considerably more water than was given by Mr. Roberts in his report on the several streams, was now discharged daily by them. I did not consider it proper to measure them, being long accustomed to measure water, and determine its volume and amount as to feeding a canal. I could readily, and without hesitation, say, that the quantity which might be obtained in the manner and upon the plan as laid down by Mr. Roberts, would be entirely sufficient, *without ever resorting* to the contingent and secondary supply of Oneida creek, Hatch's pond, or either of the proposed reservoirs on the east and west branch."

"I am of opinion that the Leland pond reservoir, with *either* the east or west branch," (of the Chenango river,) "will, if care is taken to make the summit level tight, and to keep that level from all useless waste of water, (by keeping the gates of all the locks from the summit, to a point where another supply of feeding water may be received,) as nearly water-tight as possible, and only permitting *surplus water* to pass, by side culverts, from one lock to another, when they are not in use. This supply, with good management, will equal any demand which the trade will require for many years to come; and whenever it shall be wanted, a resort may be had to other sources, although I am now of opinion, that no more water will be wanted for this canal, than can be supplied by the Leland pond reservoir, and either the east or west branch, *provided the trade should require a daily passage of sixty boats through the summer season.*"

In relation to the feasibility of the work, Judge Wright remarks: "I can assure you, gentlemen, that the valley of the Chenango river, from the town of Madison, presents a formation of ground *most extraordinary favorable* for easy excavation of a canal; *so much so, that I do not think the whole state of New-York can present a similar continuous distance, where nature has given a formation more favorable for such a work, and more easy and cheaply executed.*"

His remarks relative to the northern termination of the canal, are equally favorable. He also examined with care and attention, the estimates of the expense of the work, as made by Mr. Hutchinson, and with some additions as to two or three items, concurs in those estimates; concluding, that the canal can be made for *less* than one million of dollars, the amount which was last year inserted in the bill that passed the house. The committee would refer to the report of Judge Wright, which accompanies this report, marked B.; in which he expresses an opinion as to the probable income of the canal, if completed; and concludes by remarking, "If a canal is to be made to connect the Erie canal with the Susquehannah, *the Chenango valley ought to be the place of location for the first work.*

The committee have given a statement of the proceedings relative to the application for the construction of this canal, down to the present time; from which it appears that every demand for information in relation to it, has been promptly afforded by the friends of the measure: And in the opinion of the committee, they have now given such testimony on the subject, as not only to justify, but to call upon the legislature to grant their application.

The committee will state, generally, the reasons that induce them to report in favor of the construction of this canal; but they will be as brief as they, consistent with their duty, can be, and refer to the able and detailed reports that have heretofore been made to the legislature on this subject. They propose to follow the order laid down by the minority of the canal committee, at the last session, and in the first place to ascertain whether the construction of the work is practicable. On this subject, if the least doubt has hitherto existed, it is now most clearly demonstrated by the report of Judge Wright, in addition to all the other reports of Geddes, Forman, Roberts and Hutchinson, that no part of the state of New-York presents a continuous route of the same distance, *more favorable* for the construction of a canal, than the Chenango valley.

The next question is, can the work be completed for the estimated expenditure? The committee would here refer to the report of the Hon. C. D. Colden, chairman of the canal committee in the Senate in 1827, in which it is remarked: "The excavation, embankments, aqueducts, locks, culverts, &c., and the cost of every foot of these, may now be calculated, so as to leave little or nothing to conjecture. If, therefore, a proper survey of a canal route be presented, there is no difficulty in determining what funds will be requisite for its execution." The committee concur in the above statement, and present the supposed cost of the work, as estimated by Mr. Roberts and Mr. Hutchinson, upon the plan suggested by the canal committee of the hon. the Senate.

Estimate, from the summit, north, as calculated by Mr. Hutchinson.

19 miles of excavation, embankment, &c.,	$76,000 00
8 miles, 20 chains grubbing,	6,830 00
22 road bridges, $180 each,	3,960 00
24 farm do $140 do	3,360 00
26 culverts, as specified in report, in all,	14,330 00
15 lock-houses, with one acre of land each,	7,500 00
12½ miles fencing cleared land, 62½ cents per rod, each side,	5,000 00
10 per cent. for contingency, engineering, &c.,	11,698 00
	$128,678 00
Summit level, reservoirs, feeders, &c., as estimated by Mr. Roberts,	194,313 56

From the Summit, South.

59 miles of excavation, embracing tow-path, and necessary slope wall, $4,000,	236,000 00
11 miles, 74 chains grubbing,	6,778 00
50 road bridges, at $180 each,	9,540 00
70 farm do $140 do	9,800 00
39 culverts, as stated in detail in report,	15,490 00
6 aqueducts, in all,	15,000 00
12 lock-houses, with land, &c., $500 each,	6,000 00
36 miles fencing, 62½ cents per rod, each side,	14,400 00
1,009 feet of lockage, at $250,	252,250 00
Add 10 per cent. for engineering, &c.,	50,525 80
Total,	$914,775 36

In addition to these estimates, made by competent and qualified engineers, Judge Wright, after examining the estimates, gives it as his opinion, that the canal can be made for a less sum than $1,000,000. So that full and perfect confidence, in the opinion of the committee, can be placed in the estimates for the construction of this work.

The next question is, will this canal yield a return to your treasury sufficient to warrant its construction?

On this subject, the committee subjoin some statements, as to the probable amount of revenue to be derived from this work, when completed; and if from analogy, any thing certain can be ascertained, it would seem that the income from this canal would be considerably more than sufficient to pay for all repairs, and the interest upon the cost of its construction.

Report of 1828.—"The Erie and Champlain canals, upon navigable communications of 433 miles, have produced in tolls, during the year 1827, $859,058 48. Giving to the Chenango canal the same tolls, and allow her to send rateably to market the same amount of products, and that work, if now in operation, would return a revenue of $184,509 09."

"It is said these canals draw a large amount from the shores and outlets of our interior lakes; for as yet, very little has been drawn beyond the boundary of this state, your committee would present another view of the subject. It is fair

to allow to this work as well what it would throw upon the Erie canal, as the tolls to be gathered upon its own waters."

"The distance from Binghamton to Albany, by the Chenango canal, is nearly the same as from Montezuma to Albany. For the purpose now in view, let us consider these two canals as meeting at Utica, and exclude that office from the calculation on both, there will then be found to have been collected in the year 1827, west of Utica and east of Montezuma, the sum of $179,677 86
Add, from the eastern market, of merchandize, one fifth, which is the lowest estimate of any country,..... 35,935 57

$215,613 43

In this estimate is embraced the produce brought down from the Seneca and Cayuga lakes, and which is very considerable."

"Should it be said that the tolls on salt are here included, it may well be answered that these tolls are but half those imposed on agricultural products; and that the market which would be opened for that article, by the construction of the proposed communication, would increase the tolls upon the Erie, and give to those on the Chenango canal, an amount equal to all that can be claimed from this objection."

"To test the question of probable revenue, by a comparison in which is embraced no extraneous advantages, let the tolls drawn by the Erie canal from a section of country purely agricultural, be considered. The country paying tolls at Lyons, does not exceed a section of sixteen by twenty-four miles, and within which is nothing taken to market but ordinary agricultural products. This point is 27 miles farther from Albany than Binghamton. The tolls paid at Lyons in 1826, were $26,469 24. In 1827 they had increased to $30,459 66
Add $\frac{1}{5}$ for ascending trade,..... 6,093 27

$36,552 93

"A resistless argument is here presented to the minds of your committee, by this example, to shew the revenue to be derived from such means of conveyance, through a farming country. When your committee consider the sources from which the village of Binghamton would draw the products to this canal, they cannot doubt that the tolls there would be treble those of a section as limited as that paying at Lyons, or that the intermediate offices between Binghamton and Utica would stand like that at Rome, which during the year 1827 paid more than $25,000 on descending trade alone."

Another comparison may be founded upon the population paying toll on the Erie canal, and those who would pay toll on the Chenango canal; the business of the Erie canal is for the year 1827, only about one year after its completion.

The tolls received on the Erie canal at Utica, and all the places of collection west, to Buffalo, were, in 1827, $534,593 98. The population of that part of the state, west of Oneida and Madison, including Oneida, was, by the census of 1825, 530,784 inhabitants. We may for comparison calculate that the inhabitants which will be accommodated by the Chenango canal will be,

Madison county,	35,646
Chenango,	34,215
Broome,	13,893
Cortland,	20,271
Tioga,	19,951
	122,976

Parts of Oneida, Otsego and Delaware, which will be benefitted by the Chenango canal, are omitted, being off-setts to parts of Madison and Cortland that use the Erie canal.

If we further calculate that as many of the inhabitants of Pennsylvania would use the Chenango canal, as now go from the southern counties to the Erie canal at Utica, we may institute the following proportion.

If 531,000 inhabitants pay on the Erie canal $534,593 98, what will 120,000 pay on Chenango? The result will be..... $120,810
This is based on tolls of 1827. Add increase of population, 3 years, up to 1831, when canal may be completed. 3 years at 5 per cent. equal to 15 per cent..... 18,122

$138,932

It will be seen in this estimate of population on the Erie canal, we include the inhabitants within and along the territory on the borders of lake Ontario, and on the waters of the Allegany, who send a portion of their produce to foreign markets.

In this estimate, there is not included any tolls upon salt, plaster and lime, for the inhabitants below Tioga Point, on the Susquehannah. Salt and plaster are now sent down the Susquehannah 200 miles, under all the embarrassment of land transportation. Nor is there any estimate for the trade in coal; nor for tolls that will be received on the Erie canal.

Suppose that below Tioga point there are 30,000 families to be supplied with salt and plaster, and 10,000 with lime, and that each family will require one barrel of salt, half a ton of plaster and five bushels of lime, annually, we there have

Salt,.....	4,286 tons,	Am't brought forward,	$138,932
Plaster,.....	15,000 "		
Lime,.....	5,356 "		
	24,642 tons,		
which at half a cent per ton per mile, on 93 miles canal,.....			11,458
Add the amount of tolls to be received on 50,000 tons of coal, say ..			23,250
And we have in tolls, ...			$173,640

If we make a like calculation, taking as the basis the number of acres of improved land, and confining ourselves to this state exclusively, and in the western counties before enumerated, we have 2,082,798 acres of improved land. In 1825 the Chenango valley was estimated to contain 583,588 acres of improved land. Now if 2,082,798 acres have produced $534,593 08, 583,588 acres will, at same rate, produce $149,790.

The estimated cost of the canal is, ...$1,000,000	
The interest on this sum, at 5 per cent., is.....	50,000
Repairs of canal, as estimated by canal commissioners, $100 per mile, but say.....	20,000
There will be 105 locks; one man at each lock for 8 months in the year at $20 per month, which is a larger sum than probably will be required,.....	16,800
	86,800
Add for contingencies, 10 per cent.,.....	8,680
	$95,480

Taking the sum which is produced by the above comparisons, and we have at least $30,000 annually as a sinking fund for the disbursement of the original debt.

In addition to these calculations, it may be considered that the construction of such a work is, as so much money, as will be expended in its construction, distributed among the people. For an impetus will be given to their habits of industry, and in addition to all the ordinary avocations of the people, they will have done much towards the execution of the public works.

The increased value given to property, both real and personal, with the facilities to trade and manufactures, and the advantages given to agriculture, will be immense. The increase also of population, wealth and business of any section of country, through which a canal may be constructed, will be very great.

Mr. Colden in his report to the Senate, in 1827, before alluded to, remarks on this subject, "that every part of the state is entitled to share in the advantages which may be derived from canals, made at the public expense; and that the profit and loss of works of this description should not be measured with scrupulous exactness. *The advantage they afford to the state is not merely their money produce, but the increase of the wealth of the country, and the prosperity of its inhabitants.*"

The last question to which the committee directed their attention, was, whether the situation of the finances of the state would justify a compliance with the wishes of the petitioners.

In relation to this branch of the subject, the committee are unanimous in the opinion, that the time has not yet arrived, in which it would be wise for this state to arrest the progress of her great system of internal improvement. The situation of the funds of the state are not materially different from last year. The receipts upon the canals from tolls during the last year are $822,134 87; being $26,923 61 less than 1827, owing principally to the failure of the wheat crops.

The committee adopt the conclusion of the report of the minority of the canal committee of last year, as containing substantially their own views on this part of the subject.

After adverting to the situation of the canal fund, as presented at the last session, the committee remark:

"Your committee will now consider the situation of our finances, as disconnected from the canal fund, with a view to ascertain whether this period is more inauspicious for continuing further internal improvements than was the day of their commencement, and indeed the whole time of their progress and execution.

"An alarm seems to have been excited from the fear that we may be compelled to resort to the half mill tax to meet the ordinary expenses of government, and that it may be necessary to resort to the general fund to pay the interest upon the loans for the construction of this work, until its completion, should it be admitted that from that period it will meet the interest upon its debt, and all its contingent expenses; inasmuch as the funds already appropriated to the canal, are forbidden to be withdrawn and added to the general fund of your state, and inasmuch as your committee think they are prepared to show, that this canal can go into operation, without calling upon the state to advance more money from the treasury, than the creation and disposal of the stock contemplated will carry to it; they do not see that the levying or refusing to levy the half mill tax for the ordinary expenses of government, should in any manner interfere with the decision upon this question.

"When the Erie and Champlain canals were commenced, our people were laboring under a state tax of two mills on the dollar.

"Ground was broken for the Erie canal, 4th July, 1817, after the auction and salt duties, and then existing steam-boat tax, had been withdrawn from the general fund and pledged to the canals, which pledge was made by the same legislature that voted a tax of two mills on the dollar, for the expenses of government. That tax was continued till the winter of 1819; from which year to the close of 1823 inclusive, a tax of one mill on the dollar was levied, which was then reduced to half a mill, and thus continued until 1825."

The aggregate amount of the general fund, as stated by the Comptroller, in his report made to the legislature January 14, 1829, is $1,644,986.79. The estimated expense of government for the current year, is $291,500; and the revenue of the general fund, without infringing upon the principal, is calculated at $172,550; leaving a deficiency of $118,950. For this balance, provision must be made, by collection of debts, by sale of public stocks, or by a resort to the half mill tax, as recommended by the Comptroller. But if it shall appear, on examination, that the Chenango canal can be constructed without the advance of a dollar from your treasury, and that when completed, its income will meet all its necessities, your committee are not aware that the levying of the said tax should in any manner affect the question presented.

"Considering the improvement to be constructed, without connecting it with the canal fund, and assuming what your committee trust is already proved, that after its completion it would be a creditor and not a debtor at your treasury, and supposing not one dollar should have been received in tolls until its entire completion, although the section from the summit north, might be opened the second year; how, then, would it stand at your treasury, should the state loan its credit for the creation of a new stock, to construct this work, bearing an interest of 5 per cent., redeemable in 30 years?

"Suppose this stock to bring the average premium of the stock loaned the Hudson and Delaware company, which was near 10 per cent.; it would produce a fund of $100,000. This work can be constructed in three years. The interest on the loans, supposing them to be made at the commencement of each year, and in equal sums, would be as follows:

First loan on $333,333$\frac{1}{3}$, at 5 per cent., ...	$16,666	66$\frac{2}{3}$
Second do 666,666$\frac{2}{3}$, do do	33,333	33$\frac{1}{3}$
Third do 1,000,000, do do	50,000	00
	$100,000	00

The sum in the treasury from the premium on the stock created.

"If, then, as your committee believe, the tolls upon this canal when completed, would meet its expenses and the interest upon its debt, this work can be added to those already in operation, without calling upon the state for money from the treasury.

"Without dwelling upon the advantages to be derived by a community from the creation of public stocks for improvements, which, in their construction, throw the money loaned, into circulation among its people, and which, by their accomplishment, create the means of extinguishing the debt they have caused, your committee would call the attention of the house to the distinction between responsibilities assumed for such purposes, and those which burthen a government, and generally arise from war, that grand impoverisher of nations.

"There are many questions of state policy, the wisdom or folly of which may be illustrated by a practical example from individual enterprise, and none to which this remark applies with more force than to the question before us. Debts usually contracted by governments, may be compared to those which, in private life, arise from disaster or improvidence; to meet which, the individual must pledge his estate. And while he thus weakens his credit and diminishes his resources, adds to his expenditures by placing a moth upon his fortune, that consumes continually and creates nothing to meet that consumption. But the responsibilities assumed by a sovereignty, for the advancement of those enterprises, which, while they afford facilities to its people, furnish reasonable promise of future gain, are like those debts contracted by an individual to improve a dormant property, whose slumbering resources are thus to be brought into action, and which is thus enabled to yield to its proprietor the monies he may have expended, and to furnish a sure source of future income.

"The policy which would now arrest the progress of further improvements, would appear to your committee, to proceed upon the assumption, that with the extinguishment of the debt contracted for the construction of the Erie and Champlain canals, the canal fund is to be stricken from our exchequer; that these splendid monuments of art will cease to exist; that these almost exhaustless fountains of wealth will be dried up, and their streams no longer flow to enrich your treasury. A single thought dispels this illusion, and presents that period as a day of glad promise to this people.

"Let the inquiring mind ask, what the state of New-York may desire that she cannot then accomplish? When her own resources shall have been fully developed, and when her waters shall be wearied with the conveyance of that flood of wealth which will pour in upon her from the vast vallies of Erie, of Ontario, of Huron and of Michigan. Does the mind refuse to contemplate this subject but by the test of experience? Let it descend to a brief estimate, founded upon facts that cannot be shaken.

"In 1825, the commissioners of the canal fund reported their belief, that by the year 1836, the tolls upon the canals, and the other sources of revenue from the canal fund, would extinguish the then existing canal debts. Two causes, which after this year, will be nearly removed, have prevented the reduction of that debt as rapid as expected. These have been, the monies expended in the construction of the Oswego, and Cayuga & Seneca canals, and for permanent repairs upon the Erie and Champlain canals. The tolls have exceeded, in each year, the estimates upon which those calculations were based.

"To place these estimates at sums which, it is believed, will not be doubted by any one, who, from the past forms an opinion of the future, let us suppose the existing debt to be discharged by the year 1840. The annual income of the Erie canal may then safely be placed at..... $1,500,00 00
Auction duties as now,..... 300,000 00
Salt duties " 130,000 00

$1,930,000 00

Deduct for all repairs and expenses, the amount paid in 1827, which includes permanent repairs,..... 400,000 00

$1,530,000 00

Should the salt duties be repealed, and auction duties diverted to other purposes, deduct them, ... 430,000 00

And there is left,..... $1,100,000 00

A sum sufficient to construct annually a work equal to this contemplated canal.

"The only remaining question is, does justice and policy, under the circumstances presented, require the construction of the work?

"The remarks upon this branch of the subject are not intended solely to apply to those inhabiting the country to be benefitted by the Chenango canal; but as equally applicable to all those counties bordering upon Pennsylvania and New-Jersey, or that are located between lakes Champlain and Ontario. And in expressing their opinion of what is due to those seeking this improvement, they wish to be understood as fostering the hope, that as the public resources will permit, channels of communications, fitted to the nature and situation of the country, may be extended to every section of the state.

"If it be necessary to dwell for a moment upon the advantages which some parts of our state are now reaping from this system of improvement, which has been matured by the common credit and the common funds, and for which every section of your state has been pledged; let us reflect upon the situation of those western counties bordering upon the canal, and compare their present prosperity with the gloom which pervaded that whole community before the light of this policy broke in upon them.

"The high prices paid for agricultural products in those years, during the war and immediately succeeding the general peace in Europe, had produced among that people an eager anxiety to possess themselves of lands, for which were often paid extravagant prices. The British colonies were the channel of communication to foreign markets; and there were few products of the soil that were not then much more valuable in the counties of Cayuga and Ontario, than they now are in the city of New-York. The farmers were surrounded by every comfort of life, and their wealth was rapidly increasing. This sunshine of prosperity was suddenly clouded. The ports of Europe were closed—no market presented itself but in the Atlantic towns, and that country produced no article that could bear land transportation thither.

"Under the excitement created by the prospect of heavy gains, debts had been contracted to an alarming extent, and the promised means of payment had vanished. Wheat, the great staple of the country, instantly fell to one-fifth its former value. A general system of retrenchment was adopted, but this was unavailing. The interest upon debts was accumulating to a ruinous extent; pressure from abroad upon creditors, necessarily produced pressure upon debtors at home, and the stoutest hearts began to quail as they contemplated the result.

"At that period, every article of agricultural product, bore as high a price in the Atlantic market as it now does; but they knew it only through the columns of a newspaper; it brought no succour to him who had to encounter a land carriage of two hundred miles to reach those markets. They had heard of the Erie canal, but the mind could not contemplate its results, and a general depression pervaded that whole community. In the villages the bustle of business had been succeeded by the restlessness of disappointments; in the country, an universal apathy had seized the people.

"But to that section of our state, *this day of gloom was of short duration.* A water communication was opened to that people, and again they were aroused to action. The labourer felt that he no longer "spent his strength for that which is nought"—the husbandman met a fair return for his toils; and from that moment, all has been prosperity and happiness.

"The line of that canal is sprinkled with villages of its own creation, exhibiting all the show and luxury of commercial life, and that whole country is advancing in wealth and in refinement, with a firmer tread than at any other period of its history.

"Let this be contrasted with the situation of those inhabiting the counties bordering upon Pennsylvania.

"Under the same excitement that has pervaded their western brethren, they too had become heavily oppressed by debt; and like them, had almost sunk to despondency. Shut out from market, but through the hazardous waters of the Susquehannah; remembering the early expression in their favor, from those to whom these interests had been confided; and viewing the returning prosperity of their more favored brethren, they were naturally led to the examination of their valleys, to search out channels of communication to the Atlantic markets. Conscious of having contributed their full proportion to the works already constructed, and viewing the benefits which experience has shown must flow from the judicious extension of a system more flattering in result than even in promise; reflecting that while they had always borne without murmuring every burthen imposed for the trial of a most costly experiment, in which they could not be benefitted, unless that experiment should result in the extension of its blessings to the country which they inhabit; and feeling that in no shape had they received from government any favor, but that of guardianship, they had promised themselves a participation in those benefits which had been conferred upon others, and which your committee most confidently believe may ere long be extended to our whole people."

In conclusion the committee would remark, that in their opinion, our splendid works of internal improvement are but begun. At present our great canal is but as a passway through our state. If we desire to give to our own citizens all the advantages they have a right to claim at our hands—then we must open our fertile valleys to the Erie canal, and thereby arrest the tide of emigration that is now setting with almost resistless force to the west. By opening communications with those portions of our state, that are now destitute of a commodious access to market, we shall afford inducements to those now there, to cultivate and improve their lands, and to those who are stretching to Michigan and Ohio, to stop and people some of our fertile valleys.

It is our duty, as fast as our finances will permit, to send out lateral canals to the north and the south—that our now useless forests may be felled down—our lands cultivated, and vast quantities of produce from the interior find its way to our great Atlantic emporium.

We must take our choice between increased and increasing wealth and prosperity, by extending our communications to every part of our state—and comparative feebleness, by leaving many portions of our state, as they now are, deprived of convenient access to market.

It is an undoubted truth, that all the great interests of society must rely for their support and encouragement on the flourishing condition of internal trade, which can never exist without facility of communication.

The committee conclude by expressing a hope that the prediction of the illustrious Fulton will one day be realised, when "canals will run through every valley and wind round every hill."

They have instructed their chairman to ask leave to introduce a bill for the construction of the Chenango canal.

[*For Documents* A. *and* B. *referred to in this Report, see* Appendix A.]

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act authorising the construction of the Chenango canal;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill, report, and accompanying documents, be printed for the use of the legislature.

Mr. Jones, from the select committee to whom was referred the engrossed bill from the Senate, entitled "An act relative to the Brooklyn Savings Bank," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. J. Hall, from the select committee to which was referred the petition of sundry inhabitants of the town of Pompey in the county of Onondaga, praying for the passage of an act to alter the time of holding the annual town-meetings in said town, reported:

That they have had the same under consideration; from which it appears, that at the last town-meeting in said town, it was voted almost unanimously, that application be made to the legislature now in session, for the passage of a law to alter the time of holding the annual town-meetings in said town, from the last Tuesday in April, to the first Tuesday in March. The committee have therefore instructed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. J. Hall, according to leave, brought in the said bill, entitled "An act to alter the time of holding the annual town-meetings in the town of Pompey in the county of Onondaga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill, entitled "An act for the relief of the trustees of the Rensselaer Oswego academy;" and that the said bill is correctly engrossed.

The said engrossed bill, entitled "An act for the relief of the trustees of the Rensselaer Oswego academy," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

In pursuance of previous notice, Mr. Brinkerhoff asked for and obtained leave to bring in a bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Pierce in the jail of said county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Seely gave notice that he would, on some future day, ask leave to bring in a bill, providing for the appointment of inspectors of unslaked lime.

Ordered, That Mr. Paige have leave of absence for four days, and Mr. Barnett for six days.

On motion of Mr. Johnson,

Resolved, That the committee on canals and internal improvements be discharged from the further consideration of the petition of John and James Ledgerwood and Andrew P. Tillman, and that the same be referred to the canal commissioners; and that they be requested to report to this house, the facts in their possession relative to the claims of the petitioners, and whether any extra compensation is due, in their opinion, to the petitioners, or either of them, for services rendered as stated in their petitions.

On motion of Mr. Tower,

Resolved, That the committee on canals and internal improvements be discharged from the further consideration of the petition of the inhabitants of the town of Utica, for the lowering of Oneida lake, and for other purposes therein mentioned; and that the same be referred to the canal commissioners, who are hereby requested to report to this house, their opinion on the *practicability* and *feasibility* of lowering said lake by cutting down the outlet thereof, and the making said outlet or river navigable, as set forth in said petition, with their opinion of the probable expense; and that they report their views of the effect of this improvement on the canal revenues, and as to giving increased value to lands adjoining said lake.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" the same being amended by the house, was again read, in the words following, to wit:

An act exempting persons employed as clerks in post-offices, from militia duty.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Section 1. All persons who may be constantly and necessarily employed as clerks in any post-office within this state, are exempted, during the period of such employment, from militia duty; but every such clerk, in order to entitle himself to the benefit of such exemption, shall procure and deliver to the commanding officer of the company in which he may be enrolled, a certificate, signed by the postmaster in whose office he may be employed, accompanied by his own affidavit, certifying that such clerk was, on (and for at least one month immediately preceding) the day or days of muster or parade from which he claims an exemption, regularly and constantly employed as a clerk in his office, and that his services were necessary to the due performance of the duties thereof.

Mr. Speaker put the question whether the house whould agree to the report of the committee of the whole as amended, and it was determined in the negative.

NAYS	56
AYES	50

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Falley	Mr. Johnson	Mr. Scott	
Mr. C. Baker	Mr. Fillmore	Mr. Jones	Mr. A. Smith	
Mr. Barnett	Mr. Fitch	Mr. Keith	Mr. H. D. Smith	
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. Spier	
Mr. Boynton	Mr. P. C. Fuller	Mr. Mandeville	Mr. Tailor	
Mr. Bradish	Mr. Garbutt	Mr. Mathews	Mr. Teller	
Mr. Brown	Mr. Garnsey	Mr. J. M'Donald	Mr. Tower	
Mr. Burt	Mr. Gross	Mr. M'Niel	Mr. P. Van Buren	
Mr. Cargill	Mr. J. Hall	Mr. Mixer	Mr. Waring	
Mr. Carrier	Mr. W. Hall	Mr. Morell	Mr. Wheeler	
Mr. Collier	Mr. Hascall	Mr. Patridge	Mr. Williams	
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Williamson	
Mr. Dean	Mr. Hubbard	Mr. Sanford	Mr. Wyckoff	
Mr. Edgerton	Mr. Jenkins	Mr. Savage	Mr. Young	56

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Ives	Mr. Sheppard
Mr. Arnold	Mr. Eldridge	Mr. Lindsley	Mr. Skinner
Mr. Austin	Mr. Evans	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bacon	Mr. Fleming	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Speaker
Mr. Baragar	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Stanton
Mr. Brinkerhoff	Mr. Gardiner	Mr. Myers	Mr. Starr
Mr. Carley	Mr. Goodman	Mr. Nicholas	Mr. Tabor
Mr. Chandler	Mr. Gosman	Mr. Norton	Mr. Titus
Mr. Curtiss	Mr. Graham	Mr. Randall	Mr. J. Van Buren
Mr. Dana	Mr. Graves	Mr. Redfield	Mr. Waugh
Mr. Dayton	Mr. Hedges	Mr. Seely	Mr. Willey
Mr. Dickson	Mr. Hubbell		50

Thereupon,

Mr. Bogert made a motion that the house should agree to reconsider its said vote.

Ordered, That the same be laid upon the table.

Mr. Starr offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That when this house adjourns, it will adjourn to meet on Friday morning at eleven o'clock.

Debates were had thereon; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 63}
{NAYS 48}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hazeltine	Mr. Sanford
Mr. Allison	Mr. Edgerton	Mr. Hedges	Mr. Seeley
Mr. Arnold	Mr. Evans	Mr. Heermans	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Hubbell	Mr. H. D. Smith
Mr. Bacon	Mr. Fitch	Mr. Ives	Mr. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. Johnson	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Jones	Mr. Starr
Mr. Bradish	Mr. P. C. Fuller	Mr. Keith	Mr. Teller
Mr. Brown	Mr. W. K. Fuller	Mr. Lindsley	Mr. P. Van Beuren
Mr. Burt	Mr. Garbutt	Mr. Mallory	Mr. Vanderbilt
Mr. Carley	Mr. Gardner	Mr. J. M'Donald	Mr. Waugh
Mr. Carrier	Mr. Garnsey	Mr. M'Niel	Mr. Willey
Mr. Dana	Mr. Goodman	Mr. Mixer	Mr. Williamson
Mr. Dean	Mr. Gosman	Mr. Norton	Mr. Wyckoff,
Mr. Defreest	Mr. Graves	Mr. Phoenix	Mr. Young
Mr. Dickson	Mr. J. Hall	Mr. Redfield	63

Those who voted in the negative are—

Mr. Armstrong	Mr. Graham	Mr. Mathews	Mr. Sloughter
Mr. Bogert	Mr. Gross	Mr. M'Crea	Mr. A. Smith
Mr. Boynton	Mr. W. Hall	Mr. W. M'Donald	Mr. T. L. Smith
Mr. Brinkerhoff	Mr. Hammond	Mr. Morell	Mr. Speaker
Mr. Cargill	Mr. Hascall	Mr. Myers	Mr. Stanton
Mr. Chandler	Mr. Hubbard	Mr. Nicholas	Mr. Tabor
Mr. Collier	Mr Jenkins	Mr. Noble	Mr. Tailor
Mr. Curtiss	Mr. Judd	Mr. Partridge	Mr. Titus
Mr. Davenport	Mr. C. L. Livingston	Mr. Randall	Mr. Tower
Mr. Dayton	Mr. H. W. Livingston	Mr. Savage	Mr. J. Van Beuren
Mr. Eldridge	Mr. Mandeville	Mr. Scott	Mr. Van Wyck
Mr. Fowler	Mr. Mann	Mr. Sheppard	Mr. Williams 48

A copy of a resolution of the senate, delivered by their clerk, was read, informing that they have non-concurred with this house in its amendments to the resolution fixing upon a day for the appointment of a comptroller and attorney-general.

Thereupon,

Mr. Mann made a motion that the house should agree to recede from its amendments to the said resolution.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 73}
{AYES 42}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. P. C. Fuller	Mr. Lindsley	Mr. A. Smith
Mr. Allison	Mr. W. K. Fuller	Mr. H. W. Livingston	Mr. H. D. Smith
Mr. Bacon	Mr. Garbutt	Mr. Mandeville	Mr. T. L. Smith
Mr. E. Baker	Mr. Gardiner	Mr. M'Crea	Mr. Speaker
Mr. Baragar	Mr. Garnsey	Mr. J. M'Donald	Mr. Starr
Mr. Barnett	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Gosman	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Graves	Mr. Myers	Mr. J. Van Beuren
Mr. Chandler	Mr. Gross	Mr. Nicholas	Mr. Vanderbilt
Mr. Collier	Mr. Hascall	Mr. Norton	Mr. Van Wyck
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Defreest	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Dickson	Mr. Hubbard	Mr. Randall	Mr. Wheeler
Mr. Eldridge	Mr. Hubbell	Mr. Redfield	Mr. Willey
Mr. Evans	Mr. Johnson	Mr. Scott	Mr. Williams
Mr. Fillmore	Mr. Jones	Mr. Sheppard	Mr. Williamson
Mr. Fleming	Mr. Judd	Mr. Skinner	Mr. Young
Mr. Franklin			73

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Davenport	Mr. Hedges	Mr. Savage
Mr. Arnold	Mr. Dayton	Mr. Ives	Mr. Seeley
Mr. Austin	Mr. Dean	Mr. Jenkins	Mr. Sloughter
Mr. C. Baker	Mr. Dygert	Mr. Keith	Mr. L. Smith
Mr. Bogert	Mr. Edgerton	Mr. C. L. Livingston	Mr. Spier
Mr. Boynton	Mr. Falley	Mr. Mann	Mr. Stanton
Mr. Brinkerhoff	Mr. Fitch	Mr. Mathews	Mr. Tabor
Mr. Brown	Mr. Fowler	Mr. W. M'Donald	Mr. Tailor
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Sanford	Mr. Wyckoff
Mr. Dana	Mr. Hammond		42

Thereupon,

Resolved, That this house do adhere to its amendments to the said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to alter the time of the annual meeting of the board of supervisors of the county of Dutchess," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising John R. Drake to build a dam across the Susquehannah river;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Franklin, Mr. Morell and Mr. Eldridge, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have rejected the bill entitled "An act for the relief of Allen M. Wheeler."

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act to divide the town of Franklinville in the county of Cattaraugus," and the bill entitled "An act to extend the terms of the county courts in the counties of Orange and Rensselaer," severally with the amendments therewith delivered.

The said bills and amendments were read, and the amendments having been again read, were severally concurred in by the house, and the bills amended accordingly.

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same accordingly.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to loan money to the county of Erie."

"An act to confirm the proceedings of the board of supervisors of ths county of Chenango, in relation to the establishment of a county poor-house in said county, and for other purposes therein mentioned."

MARTIN VAN BUREN.

Albany, January 21, 1829.

The annual report of John K. Townsend, inspector of flaxseed for the city and county of New-York, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York:

The inspector of flaxseed for the city of New-York, reports, that he has inspected 10,444 casks, and 689 half-casks seed, from the 1st January 1828, to 1st January 1829; the value of which is supposed to be $96,000 00

Amount of fees, ... $728 27

Amount of expenses during the year, for deputy inspector, labor, branding irons, office, &c. 176 00

$552 27

E. E.

JOHN K. TOWNSEND.

New-York, January 16, 1829.

Ordered, That the said report be laid upon the table.

The annual report of William Wood, an inspector of beef and pork for the county of Oswego, was read, in the words following, to wit.

To the Honorable the Legislature of the State of New-York.

The report of William Wood, inspector of beef and pork of the county of Oswego, made to your honorable body, pursuant to the directions of § 185, art. 12, tit. 2, chap. 17, R. S. respectfully shews:

That he the said William Wood has not been required, nor has he at any time since his appointment to said office under the present inspection laws of this state, inspected any beef or pork by virtue of his said office; and that he is possessed of no information tending to the improvement of the quality, or increase of the quantity of the articles of beef or pork, that he deems worthy of being communicated to your honorable body in this report.

Made at Oswego, the 6th day of January, A. D. 1829.

WILLIAM WOOD.

Ordered, That the said report be laid upon the table.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to amend the act entitled 'An act to divide the town of Middleburgh in the county of Schoharie.'"

MARTIN VAN BUREN.

Albany, January 21, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "an act incorporating the Susquehannah bridge company of the village of Binghamton;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Gross, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to authorise the canal commissioner to pay the supervisor of the town of Fayette in the county of Seneca, two hundred dollars;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported, that the committee had gone through the said bill, altered the title to "An act to authorise the canal commissioner to pay certain monies to the supervisor of the town of Fayette in the county of Seneca," and agreed to the same as amended; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the building of a toll-bridge across the Chenango river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Judd, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock on Friday morning next.

FRIDAY, JANUARY 23, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Niagara, praying for the incorporation of a bank, to be located in the village of Lockport, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, directors and company of the Windham and Durham turnpike company, praying for an alteration of their charter, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Madison, praying for an amendment of the law relative to the inspection of distilled spirits, was read, and referred to the committee on trade and manufactures.

The memorial of sundry inhabitants of the county of Tioga, remonstrating against the passage of a law authorising John R. Drake to erect a dam across the Susquehannah river, was read, and referred to the select committee on that subject, of which Mr. Franklin is chairman.

The petition of Edward P. Livingston and others, of the county of Columbia, praying for the incorporation of a bank, to be located at the city of Hudson, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of John M. Canfield, superintendent of light-houses, relative to certain wood land at the mouth of the Genesee river, was read, and referred to a select committee, consisting of Mr. Norton, Mr. Boynton and Mr. Garbutt.

The petition of the supervisors of the county of Monroe, relative to the court-house and jail in said county, was read, and referred to a select committee, consisting of the members attending this house from the county of Monroe.

The petition of sundry inhabitants of the town of Saranac in the county of Clinton, praying for the passage of an act anthorising the overseers of the poor of said town to pay over certain monies to the commissioners of common schools, was read, and referred to a select committee, consisting of Mr. Edgerton, Mr. Bradish and Mr. Gross.

The petition of sundry inhabitants of the county of Greene, praying for the incorporation of a bank, to be located at the village of Catskill, was sead, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the president, treasurer and company of the Rensselaer bridge campany, praying for an extension of their charter, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Samuel Osborn and others, physicians and surgeons, of the city of New-York, praying for the repeal or modification of certain compulsory provisions contained in the law entitled "General regulations concerning the practice of physic and surgery," was read, and referred to the committee on medical subjects.

The petition of Lyman Littlefield and others, inhabitants of the town of Kingsbury in the county of Washington, praying to be remunerated for damages occasioned by the overflowing of their lands by the Champlain canal, was read, and referred to the canal appraisers.

The petition of Peter J. H. Myers and others, of Whitehall in the county of Washington, praying for the passage of a law to authorise the appointment of a harbor-master at that place, was read, and referred to a select committee, consisting of Mr. J. M'Donald, Mr. W. M'Donald and Mr. M'Neil.

The petition of sundry inhabitants of the county of Oneida. praying for the passage of a law to authorise lowering the Oneida lake, and the improvement of the navigation of the Oneida river, was read, and referred to the canal commissioners.

The petition of sundry inhabitants of the counties of Ontario, Yates, Tioga, Steuben, Tompkins and Seneca, praying for the construction of the Chemung canal, was read, and referred to the committee on canals and internal improvements.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petitions of sundry persons of the counties of Erie, Cattaraugus and Chautauque, and of the board of supervisors of the county of Erie, praying legislative aid to assist them in constructing a road across the Buffalo Indian Reservation, reported:

That many years have passed away since the state sold the pre-emption right to these lands, the Indians reserving possession during their pleasure. The presumption is, that at the time the purchase was made, no one surmised they would remain this length of time upon the lands. What equivalent was made the state for this privilege, the committee are not able to communicate for the information of the house; but it is fair to presume something. The object of the committee at present is, to give the facts and information within their reach, which present some of the reasons why the state is interested in the granting of the favor asked for.

The situation of this tract extends from Lake Erie to the line of the county of Genesee, composed of very low grounds, on the Buffalo creek, almost dividing the county of Erie in the centre, of about eight miles in width, at present travelled where each one chooses to select for his convenience or safety. For many years past, the most usual selection has been the beach along the margin of the lake, but during the last three years, the lake, from some unknown cause, has risen some three or four feet, which completely covers the former beach, so as to be almost impassable. During the summer months, the great difficulty is avoided by resorting to steam-boats and vessels for those whose business or pleasure makes it necessary to go any considerable distance up the lake. The remainder of the season, the lake becomes impassable by means of ice, during which the weary traveller has been obliged to seek his way as well as he could, across the reservation. This great chain of communication, it appears to your committee, should not be interrupted. Since the completion of the Erie canal, the tide of emigration is greater, perhaps, towards the territory of Michigan and the state of Ohio, than any other part of the United States, which must all pass, necessarily, this reservation. It is also a mail route, on which the mail is carried every day: the contract is to that effect. The citizens of that region of country, owing to their limited means, have become somewhat discouraged towards ever accommodating the public with a good road, without aid from the state. And as this, if accomplished, will be useful to all of our citizens who may by chance be obliged to encounter this unpleasant task: many precedents will be found in the journals, as will justify all who may have doubts upon the subject of granting the partial relief solicited.

Buffalo is the nearest point for the people of Cattaraugus, Chautauque and the south part of Erie, to reach the Erie canal with their produce; although this part of the state has not long been settled, and has not, as yet, had much surplus produce to be sent to market. But every year it will increase. In ordinary seasons, therefore, in addition to relieving the pressing necessities of this people, you will add much to the tolls on the canal.

Under all these circumstances, the committee are impressed with the belief that the petitioners present a strong claim upon the liberality and justice of the legislature; and believing it to be the duty of all governments to relieve the burden of its members, when circumstances like the present case exist, have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of William Rose and others, praying for the passage of a law to authorise them to erect a free bridge across the Chenango river in the county of Broome, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the erection of a free bridge across the Chenango river, in the town of Chenango in the county of Broome;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of Aaron M'Graw, reported:

That they have had the same under consideration; and are led to remark, that an application coming from so unfortunate a fellow-being as a mute, is calculated to excite compassion. But taking into view that this applicant has been already assisted by the state, to the extent of the law of 1825, which makes provision for the tuition and subsistence of each mute which is received at the Central Asylum for the tuition of the deaf and dumb, for the term of four years; and that there are numerous indigent applicants for which there is no provision; and that the object of those institutions more especially is to fit them for the transaction of the ordinary business of life, and enabling them to act understandingly as to the present and future destiny of man; the committee believing those objects to have been effected as it respects this individual, and that equal justice should be extended to all, have been led to conclude that the prayer of the petitioner ought not to be granted.

Resolved, That the petitioner have leave to withdraw his petition.

Thereupon,

Resolved, That this house do agree with the committee in the preceding report and resolution.

Mr. Myers, from the select committee to which was referred the petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Company of Moa, reported:

That they have had the same under consideration, and believe the following to be the facts connected with said petition:

It appears that the petitioners have purchased a large and valuable tract of land in the Island of Cuba, and have paid for the same; and that they have taken measures to settle their property with an American population, and to establish plantations for the cultivation of coffee, sugar and tobacco; which, together with the valuable timber which is growing on their lands, such as ebony, lignum vitæ and red cedar, will, it is believed, in a short time enable them to open a considerable and productive commerce between their possessions and the port of New-York. The property of the company is situated in that part of the island, which has heretofore harbored a band of pirates; and that by settling an American establishment at the large and commodious harbor of Moa, it would give protection to our commerce, and afford water and supplies of provisions to our navy.

It appears, that to carry fully into effect the object of the association, it will be necessary for them to put one or more vessels in the trade; and also to enable them to conduct their business to advantage, it will be necessary for them to hold some real estate in the city of New-York; and that purchases and sales must necessarily be made on account of the company. And in case of differences arising between the agent or agents of the company and individuals, such as are common in commercial transactions, it would be difficult for either of the parties to commence or defend a suit at law, without an act of incorporation; as the stock of the company is divided into four hundred shares, which are frequently changing owners, by reason of sales and transfers. It would

therefore be difficult to conduct a law-suit, as the names of all the owners or associates would necessarily have to be included in such suit.

Tne committee are therefore of opinion that no injury could result either to the state or individuals, and that, on the contrary, the incorporation of the company would be a public benefit. They have prepared a bill accordingly, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act to incorporate the Company of Moa;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the canal commissioner to pay certain monies to the supervisor of the town of Fayette in the county of Seneca," and the engrossed bill entitled "An act incorporating the Susquehannah bridge company of the village of Binghamton;" and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act to authorise the canal commissioner to pay certain monies to the supervisor of the town of Fayette in the county of Seneca," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act incorporating the Susquehannah bridge company of the village of Binghamton," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 105}
{NAYS 01}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hynds	Mr. Seeley
Mr. Allison	Mr. Dygert	Mr. Ives	Mr. Skinner
Mr. Armstrong	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Jones	Mr. A. Smith
Mr. Austin	Mr. Falley	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. T. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. C. L. Livingston	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Gardiner	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. J. Van Buren
Mr. Cargill	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr. Nicholas	Mr. Van Wyck
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Norton	Mr. Waugh
Mr. Curtiss	Mr. Hazeltine	Mr. Patridge	Mr. Wheeler
Mr. Dana	Mr. Hedges	Mr. Phoenix	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Hornbeek	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dickson			

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Those who voted in the negative are—

Mr. Hascall 1

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the Legislature will, on Wednesday next, the 28th instant, at 12 o'clock at noon, proceed to the choice of an attorney-general and a comptroller of this state.

Ordered, That the said resolution be laid upon the table.

On motion of Mr. Norton,

Resolved, That the committee on canals and internal improvements be directed to inquire into the propriety of passing a law, providing for the payment of damages by means of breaches in any of the canals in this state, and report to this house by bill or otherwise.

Ordered, That Mr. Sill have leave of absence for six days, Mr. Teller for four days, Mr. P. Van Beuren for three days, and Mr. H. W. Livingston for four days.

On motion of Mr. Dyckman,

Resolved, That the comptroller be directed to furnish this house with a statement, shewing the amount of money which has been paid to the commissioners of health in the city of New-York, by seamen and foreign emigrants, since the fourteenth day of April, 1820; and, as far as the information received at his office will allow him, to set forth for what purposes the said money so received, has been appropriated.

The house then proceeded to the consideration of the motion of Mr. Bogert, to reconsider the vote on agreeing with the committee of the whole in their report on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty," as entered on the journal of Wednesday last.

Mr. Speaker put the question whether the house whould agree to the said motion of Mr. Bogert, and it was determined in the affirmative.

Thereupon,

Ordered, That the said bill be recommitted to a committee of the whole house.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act concerning marine insurance in the state of New-York," and the bill entitled "An act to incorporate the Seamen's Bank for savings in the city of New-York;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act concerning marine insurance in the state of New-York," was referred to a select committee, consisting of Mr. Dayton, Mr. Mallory and Mr. Starr; and the bill entitled "An act to incorporate the Seamen's Bank for savings in the city of New-York," was referred to a select committee, consisting of Mr. J. Van Beuren, Mr. Titus and Mr. Cargill, severally to consider and report thereon.

The Senate returned by their clerk, the bill entitled "An act to extend the terms of the county courts in and for the counties of Orange and Rensselaer;" the bill entitled "An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the county of Sullivan;" and the bill entitled "An act to divide the town of Franklinville in the county of Cattaraugus."

Ordered, That the clerk deliver the said bills to the Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Harlaem literary and scientific academy," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act for the relief of Francis Wilkinson and others," with the amendments therewith delivered.

The said bill and amendments were read.

Ordered, That the same be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to allow Rebecca Albro, the wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I herewith transmit the annual report of the Adjutant-General.

MARTIN VAN BUREN.

Albany, January 23, 1829.

STATE OF NEW-YORK—ADJUTANT-GENERAL'S OFFICE,
Albany, January 14, 1829.

SIR,

I have the honor to submit herewith the annual return of the militia of the state of New-York, for the year 1828.

I am, Sir, your obedient servant,

N. F. BECK, *Adjutant-General.*

To His Excellency Gov. VAN BUREN.

[*For pages* 132 *to* 156 *inclusive, see Tables*, (Sig. A. and B.)]

							REMARKS, &c.
6							
4							sion return received.
9							
4							
5							
6							
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1							sion return received.
4							
8							sion return received.
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D							sion return received.

urn received. No inspection return has been

Annual Return of the Infantry and Riflemen of the State of New-York, for the year 1828.

| No. of Division | Name of Commanding Officers of Division | DIVISION STAFF-OFFICERS. Number of Brigades | Major-Generals | Inspectors | Judge-Advocates | Quarter-Masters | Pay-Masters | Aids-de-camp | Hospital Surgeons | Names of Commanding Officers of Brigades and Number | Number of Regiments | Number of Companies | BRIGADE STAFF-OFFICERS. Inspectors | Quarter-Masters | Judge-Advocates | Pay-Masters | Aids-de-camp | Asst. Hospital Surgeons | FIELD OFFICERS. Colonels | Lieutenant-Colonels | Majors | REGIMENTAL STAFF-OFFICERS. Commissioned. Adjutants | Quarter-Masters | Pay-Masters | Surgeons | Surgeon's Mate | Chaplains | Non-Commissioned. Sergeant-Majors | Qr. Master-Sergts. | Drum-Majors | Fife-Majors | Leader bands music | COMPANY OFFICERS. Commissioned. Captains | Lieutenants | Ensigns | Non-Commissioned. Sergeants. Present | Absent | Corporals. Present | Absent | Musicians. Present | Absent | PRIVATES. Present | Absent | Aggregate of privates, present and absent | Total commissioned, non-commissioned officers, musicians and privates, present and absent at inspection | ARMS, AMMUNITION, ACCOUTREMENTS, &c. Standards | Swords | Uniforms | Pistols | Musical instruments | Drums | Fifes | Bugles | Rifles | Muskets | Bayonets | Cartridge-boxes | Steel-rods | Scabbards and belts | Flints | Wires and brushes | Worms | Knapsacks | Pouches | Powder-horns | Cartridge with balls | Loose balls | Pounds powder | REMARKS, &c. |
|---|---|---

...er i...

REG's of officers mounted officers	Co	Quarter-Masters.	Swords and belts.	Knapsacks.		REMARKS.
		...	...	...	..	The inspection return of the 1st Horse Artillery is embraced in the return of the Cavalry.
		1	114	153	3	
		....	...	...	..	One regiment not inspected.
		4	271	...	10	A new brigade, from which no inspection return has been received.
		....	...	...	..	
		2	753	...	7	The 12th and 5th regts. in this Bri-

Annual Return of the Artillery of the State of New-York, for the year 1828.

| No. of Division | Name of Commanding Officers of Division | Number of Brigades | DIVISION STAFF-OFFICERS: Major-Generals | Inspectors | Quarter-Masters | Judge-Advocates | Pay-Masters | Aids-de-camp | Hospital Surgeon | Names of Commanding Officers of Brigade and Number | Number of Regiments | Number of Companies | BRIGADE STAFF-OFFICERS: Brigadier-Generals | Inspectors | Judge-Advocates | Quarter-Masters | Pay-Masters | Aids-de-camp | Asst. Hospital Surgeons | FIELD OFFICERS: Colonels | Lieutenant-Colonels | Majors | REGIMENTAL STAFF-OFFICERS: Commissioned: Adjutants | Quarter-Masters | Pay-Masters | Surgeons | Surgeon's Mates | Chaplains | Non-Commissioned: Sergeant-Majors | Drum-Majors | Fife-Majors | Leaders of bands | COMPANY OFFICERS: Commissioned: Captains | 1st Lieutenants | 2d Lieutenants | Non-Commissioned: Sergeants: Present | Sergeants: Absent | Corporals: Present | Corporals: Absent | Gunners | Bombaliers | Musicians: Present | Musicians: Absent | PRIVATES: Present | PRIVATES: Absent | Aggregate of privates, present and absent | Total commissioned, non-commissioned officers, musicians and privates, present and absent at annual inspection | Arms and accoutrements of officers, non-commissioned officers and matrosses: Fuses | Bayonets and belts | Cartouch-boxes | Cartridges | Swords and belts | Knapsacks | CANNON & EQUIPMENTS: Uniforms | Brass 6 pounders | Iron 6 pounders | Carriages | Ammunition boxes | Tarpaulins | IMPLEMENTS FOR LOADING AND FIRING: Pillers | Tompions and straps | Aprons | Drag-ropes | Limbers | Sponges | Worms and ladles | Lanistocks | Port-fire sticks | Port-fire cases | Haversacks | Powder-horns | Tube-boxes | Nippers | Priming-wires | Gimblets | Hammers | Bells | AMMUNITION: Ammunition carts | Sets horse harness | Tar-buckets | Pounds powder | Canister-shot | Flannel cartridges | Port-fire | Slow-match | Tubes | Tumbrils | REMARKS |
|---|---|---

Annual Return of Companies of Artillery, Cavalry and Riflemen, attached for inspection to different brigades of Infantry, for the year 1828.

42	Number of companies.		
39	Captains.	Company officers. Commissioned.	
45	Lieutenants.		
36	Ensigns.		
132	Present.	Sergeants. Non-commissioned.	
21	Absent.		
120	Present.	Corporals.	
16	Absent.		
144	Present.	Musicians.	
15	Absent.		
1262	Present.	Privates.	
510	Absent.		
2461	Total officers, non-commissioned officers, musicians and privates, present and absent.		

(Table C.)

STATE OF NEW-YORK,
ADJUTANT-GENERAL'S OFFICE, *Albany, Jan.* 12, 1829.
I certify the above to be a true return.
N. F. BECK, *Adjutant-General.*

SUMMARY.

Cavalry,	4,905
Horse artillery,	1,531
Artillery,	10,763
Infantry, including 26,634 riflemen,	152,633
Companies of artillery, &c. attached to infantry for inspection,	2,461
	172,293

Ordered, That the said message be referred to the committee on the militia, and that the usual number of copies of the same be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to alter the time of annual meeting of the board of supervisors in the county of Dutchess."

MARTIN VAN BUREN.

Albany, *January* 21, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the building of a toll-bridge across the Chenango river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Judd, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boynton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Albany Institute;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Armstrong, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Cornelius Higgins;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Scott, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs of Christian Guthrie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Austin, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

SATURDAY, JANUARY 24, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Niagara, praying for a repeal of the law which prohibits the practice of botanic phpsicians, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange, praying for the erection of a new town from parts of those towns, was read, and referred to the committee on the erection and division of towns and counties.

Four several petitions of Heman J. Redfield, H. B. Potter, O. Hastings, O. Benjamin and others, praying for the establishment of an additional supreme court clerk's office, to be located at the village of Canandaigua in the county of Ontario, were read, and referred to a select committee, consisting of Mr. Hubbell, Mr. Gross and Mr. Fleming.

The petition of sundry owners and occupants of lands on and near the Oneida lake and river, praying for the passage of a law to authorise the lowering the Oneida lake, and the improvement of the navigation of the Oneida river, was read, and referred to the canal commissioners.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of a bank, to be located in the village of Cooperstown, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of the Fredonian academy in the county of Chautauque, praying for the passage of a law to reduce the number of trustees of that institution, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Franklin, praying for the passage of a law to authorise the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, was read, and referred to the select committee on that subject, of which Mr. Bradish is chairman.

Two several petitions of Richard Crabb, Rose Hardy and Laura Van Beuren, aliens, severally praying for the passage of an act authorising them to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Greene, praying for an amendment of the charter of the Windham and Durham turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Peter J. H. Myers and others, of the county of Washington, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The remonstrance of sundry inhabitants of the county of Rensselaer, remonstrating against the extension of the charter of the Rensselaer bridge company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the supervisors of the county of Tioga, praying for the passage of a law to authorise the meetings of the board of county canvassers for said county, to be held alternately at the villages of Owego and Elmira, at the same time as now provided for the meeting of the board of supervisors, was read, and referred to the committee on privileges and elections.

The petition of the Bakers' benefit society of the city of New-York, praying to be incorporated, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of the president, directors and company of the Coxsackie turnpike road, praying for a certain amendment to their act of incorporation, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Madison, praying for the incorporation of a bank, to be located at the village of Cazenovia, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Alexander Sickles and others, inhabitants of the city of Albany, and members of an artillery company, praying to be exempted from further duty in the militia, was read, and referred to the committee on the militia and the public defence.

Mr. J. Van Beuren, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Seamen's Bank for savings in the city of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river;" the engrossed bill entitled "An act authorising the building of a toll-bridge across the Chenango river," and the engrossed bill entitled "An act to incorporate the Albany Institute;" and that the said bills are correctly engrossed.

Thereupon,

The said engrossed bill, entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act authorising the building of a toll-bridge across the Chenango river," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	02

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbard	Mr. Randall
Mr. Allison	Mr. Dyckman	Mr. Hubbell	Mr. Scott
Mr. Armstrong	Mr. Dygert	Mr. Hynds	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Ives	Mr. A. Smith
Mr. Bacon	Mr. Eldridge	Mr. Johnson	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. T. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. Keith	Mr. Soper
Mr. Baragar	Mr. Franklin	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Spier
Mr. Boynton	Mr. W. K. Fuller	Mr. Mann	Mr. Stanton
Mr. Bradish	Mr. Garbutt	Mr. Mathews	Mr. Tabor
Mr. Brinkerhoff	Mr. Gardiner	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. J. M'Donald	Mr. Titus
Mr. Burt	Mr. Goodman	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Graham	Mr. M'Niel	Mr. J. Van Buren
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Morell	Mr. Van Wyck
Mr. Chandler	Mr. W. Hall	Mr. Myers	Mr. Waugh

Mr. Collier	Mr. Hammond	Mr. Nicholas	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Noble	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Norton	Mr. Wyckoff
Mr. Dayton	Mr. Heermans	Mr. Phoenix	Mr. Young
Mr. Defreest	Mr. Hornbeek		94

Those who voted in the negative are—

Mr. Hascall	Mr. Sheppard	2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Albany Institute," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Heermans	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr. Holdridge	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Hornbeek	Mr. Sheppard
Mr. Arnold	Mr. Efner	Mr. Hubbard	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. Hubbell	Mr. A. Smith
Mr. Bacon	Mr. Evans	Mr. Hynds	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Ives	Mr. L. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Johnson	Mr. T. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Jones	Mr. Soper
Mr. Bogert	Mr. Franklin	Mr. Keith	Mr. Speaker
Mr. Boynton	Mr. P. C. Fuller	Mr. Lindsley	Mr. Spier
Mr. Bradish	Mr. W. K. Fuller	Mr. Mathews	Mr. Tabor
Mr. Brinkerhoff	Mr. Garbutt	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. Gardiner	Mr. J. M'Donald	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Goodman	Mr. M'Niel	Mr. J. Van Beuren
Mr. Carley	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Carrier	Mr. Graves	Mr. Myers	Mr. Van Wyck
Mr. Chandler	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Curtiss	Mr. W. Hall	Mr. Norton	Mr. Willey
Mr. Dana	Mr. Hammond	Mr. Phoenix	Mr. Williamson
Mr. Davenport	Mr. Hascall	Mr. Randall	Mr. Wyckoff
Mr. Dayton	Mr. Hazeltine	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Hedges		94

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Ordered, That Mr. Redfield have leave of absence for seven days.

Mr. Noble gave notice that he would, on some future day, ask leave to introduce a bill entitled "An act relative to the common school fund of the several towns in the county of Cayuga."

On motion of Mr. Edgerton,

Resolved, That the standing committee on privileges and elections have leave to sit during the session of the house, and that they have leave of absence from the house for Saturday the 24th, for that purpose.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to incorporate the Harlaem literary and scientific academy."

"An act to confirm the appointment and official acts of certain commissioners to take the acknowledgment of deeds, &c. in the county of Sullivan."

"An act to extend the terms of the county courts in and for the counties of Orange and Rensselaer."

"An act to divide the town of Franklinville in the county of Cattaraugus."

MARTIN VAN BUREN.

Albany, January 24, 1829.

The annual report of Abraham A. Slover, an inspector of lumber for the city and county of New-York, was read, in the words following, to wit:

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

GENTLEMEN,

Agreeable to the revised laws, chapter 17, I, as an inspector of lumber, make the following returns, inspected by me from first May 1828, until first of January 1829.

Oak plank and boards, inch measure,	9,499	feet,	worth per m.	$15	to $20
Ash do and do "	21,306	"	"	12	15
Ash cott joist, running measure, ...	3,009	"	"	6	10
White pine plank and boards, inch			mercht. out of clear,	18	20
measure, clear and m.....	276,008	"	clear,	25	33
By measure only, say for.....	651,580	"	packing boxes,	10	12
Sidings, $\frac{1}{2}$ inch thick, ...	6,090	"	clear & mercht.	12	16
Whitewood plank, for chairs, ...	13,996	"	mercht.	20	24
Do $\frac{1}{2}$ inch boards, ...	94,123	"	"	10	15
Maple, plain, curled, and bird's-eye,	44,503	"	"	20	45
Beech boards and plank, inch measure,	1,686	"	"	30	40
Cherry plank, boards and joist, do	33,803	"	"	25	30
Black walnut, inch measure,.....	5,425	"	"	25	30
Bass plank, chairs,.....	5,842	"	"	15	17
Do $\frac{1}{2}$ inch boards, ...	16,934	"	"	5.50	to 7.50

Amount of earnings from 1st May to January,..... $714 20

Satin wood from West Indies,.....	5,022	feet,	inch,	10 to 30	cts pr ft.
Black rose wood, South America,...	1,970	"	"	20 40	"
Red Cedar, from Mobile, ...	2,009	"	"	$2\frac{1}{4}$ $3\frac{1}{2}$	"
St. Domingo mahogany, in logs, ...	107,181	"	"	9 30	"
Bay do "	174,090	"	"	5 12	"
Spanish cedar, in logs, ...	49,828	"	"	$4\frac{1}{2}$ 6	"
Mahogany Veniers, ...	5,710	"	"	10 15	"

Remarks.—Pine boards, if they would saw them inch thick, they would meet a better market: Also cherry boards should be inch; whitewood boards for coach pannels, $\frac{1}{2}$ inch thick; do. for cabinet and other work, $\frac{1}{2}$ inch and 5-8 thick.

ABRAHAM A. SLOVER, *Inspector.*

New-York, January 21, 1829.

Ordered, That the said report be laid upon the table.

The annual report of Jacob Lockman, an inspector of lumber for the city and county of New-York, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

A report of the lumber inspected and measured, from May 1st, 1828, till January 1st, 1829; according to the revised statute, chapter 17, passed December 3d, 1827.

White pine plank and boards, 35,825 superficial ft clear, 68,576 ft mercht. 48,051 ft sec'd. 8,891 ft refuse, 292,877 ft measured only, price $10 to 30 per M. according to quality.

Yellow pine plank,	3,538 ft mercht.	2,139 ft refuse,		$10	to $25
Pine timber, sawed,	797	6,319		10	15
Spruce timber, do	19,457	9,979	Ft. measured only.	6	10
Spruce boards,	....	....	2,860	5	10
Hemlock timber, sawed,	15,244	7,897	14,031	6	10
Ash plank and boards,	34,092	....		15	20
Maple joist,	85,736	53,569		15	25
Maple plank and boards,	54,939	....		10	15
Cherry plank and boards,	55,980	....		20	30
Cherry joist,	3,322	2,953		do	do
Oak plank and boards,	56,199	60,095		10	30
Oak joist,	452	336		10	15
Basswood plank,	2,735	7,493		20	30
Ash oars, (running measure,	6,755	6,083		18	25
Chesnut scantling,	90,868	48,941		10	18
Hickory scantling,	1,108	2,404		10	15
Hickory handspikes,	328 in No.	315		10	12
Oak lath,	706 in No.	201		2	6
Elm boards,	267	....		6	10
Whitewood boards,	151,628	....		10	20
Basswood boards,	127,080	....		5	10
Ash cot joist, (running meas.)	47,871	25,895		6	10
Buttonwood boards,	3,138	....		8	12
Birdseye maple plank & boards,	16,782	398		40	80
Curl maple joist and plank,	18,084	6,599		30	60
Whitewood plank,	3,695	1,818		20	40
Birch plank and boards,	2,198	....		8	15
Locust posts,	1,307 in No.	398		20	50
Oak knees,	642 by the inch.	151	from 18 to 40 cts.		
Beech timber for plain stocks,	3,496	....		20	40
Beech joist,	489	388		8	15
Ash oars, (running measure,)	3,344	1,474		15	25
Mahogany boards and plank,	1,479	....		60	100
Mahogany veniers,	1,350	....			
Whitewood joist,	2,150	3,977		10	15
Spruce spars,	623 by the inch.	49	from 5 to 10 cts.		
White cedar boards,	10,471	4,609		10	25
Red cedar logs,	669 cubic feet.	74		25	40

Fees received for inspection, by the M. feet,	$468 13
by the inch,	7 27
by number,	10 40
for measuring only, by the M. feet,	77 44
	$563 24

Errors excepted.

JACOB LOCKMAN, *Inspector.*

Ordered, That the said report be laid upon the table.

The annual report of E. A. Le Breton, inspector of hops for the city and county of Albany, was read, in the words following, to wit:

ALBANY, January 23, 1829.

To the Honorable the Legislature of the State of New-York.

The inspector of hops for the city and county of Albany, takes leave to report, that he has inspected, within the year ending the first day of January 1829, one thousand two hundred sixty-three bales of hops, weighing 277,502 pounds, raised in and presented from the following counties:

Madison,.....	151,268	pounds.
Otsego, ...	18,467	"
Onondaga, ...	16,962	"
Herkimer, ...	4,329	"
Columbia, ...	2,616	"
Monroe, ...	2.369	"
Franklin, ...	2,336	"
Oneida,.....	76,366	"
Saratoga, ...	990	"
Chenango, ...	925	"
Oswego, ...	347	"
Bennington, (Vermont,)	527	"
	277,502	pounds of hops.

The amount of fees for inspecting the same, is ... $277 50

Of the quantity above reported, is 22,646 pounds of hops the growth of 1827, which, in consequence of the great depression of the market last season, were retained in the country. The growth of this year falls far short of the expectation of the raisers: the vines were very much injured by the ravages of the worm; and in the latter part of the season, frequent rains occasioned a rust, that materially injured the crop. The raisers have done *their* work much better the present season, and the hops have gone into market a much better sample, than for years back. The average price of hops has been about 9½ cents per pound; this low price has partly been occasioned by the large quantity remaining in store of the previous year's growth, and partly the depression of the brewing business in this state.

All which is respectfully submitted,

E. A. LE BRETON.

Ordered, That the said report be laid upon the table.

A copy of a resolution of the senate, delivered by their clerk, was read, informing that the Senate do adhere to their resolution of non-concurrence to the amendments of this house to the resolution fixing upon a day for the appointment of a comptroller and attorney-general.

The house then, by unanimous consent, proceeded to the consideration of the resolution offered by Mr. Edgerton; the same being amended, was read, in the words following, to wit:

Resolved, (if the Senate concur,) That the Legislature will, on Tuesday next, the 27th instant, at 12 o'clock at noon, proceed to the choice of an attorney-general and a comptroller of this state.

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the said resolution to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Cornelius Higgins;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Scott, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs of Christian Guthrie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Austin, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to alter the time of holding the annual town meetings in the town of Pompey in the county of Onondaga;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Eldridge, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dickson, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act respecting female convicts in the state prison at Mount-Pleasant;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Hall, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Norton, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock on Monday morning next.

MONDAY, JANUARY 26, 1829.

The House met pursuant to adjournment.

The petition of the president, directors and company of the Bank of Auburn, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Powell Carpenter and others, praying for the passage of an act of incorporation, for the construction of a canal from the village of Scottsville to the Genesee river, with a capital of $15,000, was read, and referred to the committee on canals and internal improvements.

The petition of Orson Smith and others, praying for compensation for revolutionary services alleged to have been rendered by David Smith, was read, and referred to the committee on claims.

The petition of Joseph Lamb, praying for the passage of a law to grant to him certain military bounty lands, as set forth in his petition, was read, and referred to the committee on claims.

The petition of John M'Mahon, Michael Leaden and Michael Leaden junior, of the county of Onondaga, aliens, praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

Two several petitions of sundry inhabitants of the county of Genesee, praying for the incorporation of a bank, to be located in the village of Batavia, were severally read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The remonstrance of sundry inhabitants of the town of Avon in the county of Livingston, against the repeal of the act of the last session, authorising the laying out of a road from Lima to Bethany, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry merchants and dealers in domestic spirits, and distillers, of the city of New-York, against any alteration of the law relative to the inspection of domestic spirits, was read, and referred to the committee on trade and manufactures.

The petition of William Cornell, praying for the passage of an act, directing the adoption of a certain instrument for regulating the sale of domestic spirits, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Oswego, praying for the incorporation of the Oswego Bank, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of John Cooper, praying for the passage of an act, directing the clerk of the county of Dutchess to record a certain deed, was read, and referred to the committee on the judiciary.

The petition of sundry persons of color, of the city of New-York, praying for the incorporation of the New-York African Clarkson association, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of John Ridley, of the city of New-York, praying for the passage of a law, to authorise the administrators of Henry I. Moore deceased, to convey to him certain real estate mentioned in the petition, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Chautauque, praying for the passage of a law to authorise the construction of a road across the Indian reservation in the county of Erie, was read, and committed to the committee of the whole, when on the bill upon that subject.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of the trustees of Fredonia academy, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to reduce the number of trustees of Fredonia academy, in the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Edgerton, from the committee on privileges and elections, to which was referred the petition of Daniel W. Bostwick, of the county of Seneca, praying to be admitted to a seat in this house, in the place of the Honorable Septimus Evans, the sitting member, with the accompanying documents, reported:

By the official certificate of the board of county canvassers of the county of Seneca, on file in the office of the Secretary of State, a copy of which has been furnished the committee, it appears, that at the last annual election held in the said county, on the 3d, 4th and 5th days of November last, the Hon. Septimus Evans received 1559 votes, and the petitioner, Daniel W. Bostwick, received 1558 votes, giving the sitting member a majority of one vote.

The petitioner claims to have allowed to him four votes, given in the town of Junius in said county, which were rejected by the inspectors of election in said town, on the canvass of the votes. The four votes claimed by the petitioner, are of the following description: Two votes for Danl. W. Bostwick, one vote for Daniel Bostwick, and one vote for D. W. Bostwick. The said four votes, as above named and abbreviated, were found in the proper box, for the office of members of assembly. In support of the prayer of the petitioner, the affidavit of Henry Moses, supervisor of the town of Junius, has been furnished the committee; which fully shows the facts above stated, and also that the said four votes were not allowed by the town inspectors in canvassing the votes of said town, but were wholly rejected. It further appears by the affidavit of the said supervisor, that the four votes above mentioned and described, were not preserved, nor were copies of the same kept or sent to the county clerk of said county, or preserved in the office of the town clerk of the town of Junius; but that the same were destroyed on the evening of the fifth day of November, at the time the votes of the town of Junius were canvassed.

It further appears by the affidavit of the said supervisor, that on canvassing the votes of said town at the time above mentioned, the said inspectors of election found a ballot in the box appropriated for congress and electors, in the words following: Daniel W. Bostwick and Erastus Woodworth; which said ballot was headed, labelled or endorsed, "for members of assembly"; and that the said ballot was not counted or estimated by the said canvassers for or in favor of any person whatever, nor was the same preserved, or a copy of the same, nor was the said ballot estimated or returned to the board of county canvassers; the said supervisor having been one of the said board of county canvassers.

It also further appears from the affidavit of the said supervisor, that he has resided in the county of Seneca for the last twenty years past, and that he does not know, or has he heard of any other person residing in the county, of the name of Bostwick, except Daniel W. Bostwick, the name of the petitioner, who was a well-known candidate for the office of member of assembly, regularly nominated in the years 1827 and 1828.

In support of the allegations of the petitioner, it further appears, by the affidavit of Robert Sloan, one of the assessors of the town of Junius, and also one of the board of inspectors of elections in said town, that on the canvass of the votes of the said town, there were several scattering and abbreviated votes found in the box appropriated for ballots for members of assembly, which were not counted or allowed to Bostwick, but were rejected. He also further states, that he recollects, on the canvass of the ballots of members of congress and electors, one vote was found in the box appropriated to that purpose, on which was printed or written, the names of Erastus Woodworth and Daniel W. Bostwick; which ballot or ballots were not canvassed or estimated for either of the said persons, who were candidates for members of assembly, and that neither of the votes so found in either of the boxes, for members of assembly, were allowed or preserved; but that the same were rejected and destroyed, and the

same were not returned to the board of county canvassers, or copies of the same taken or preserved in the office of the town clerk of the town of Junius. It further appears by the affidavit of the said assessor, that he has resided in the said town of Junius for many years, and that he does not know of any person of the name of Bostwick, except Daniel W. Bostwick, the name of the petitioner.

The petitioner has also furnished the committee with the affidavit of John Ingersol, town clerk of the town of Lodi in said county, and one of the inspectors of elections in said town at the late election; who states, that on the canvass of the votes of said town, on the fifth day of November last, there was found in the proper box, a printed ticket or ballot, endorsed "for members of assembly"; in which the words, letters and parts of letters were found following: Ianiel W. Bostwick on it, with the names of the other candidates for the county offices, viz. one member of assembly, sheriff, clerk, and coroners. All the said ticket or ballot was estimated and counted, except the name of the said I aniel W. Bostwick, which was rejected by the said board of town inspectors, and not allowed to Daniel W. Bostwick in any way or manner; or was the same preserved, or a copy of the same. The said affidavit further states, that the said ballot or ticket appeared to have been torn or worn in such manner, as to have taken off the part of the said printed D, which formed the half circle of the same; which said part of the letter D, would have made the entire name of Daniel W. Bostwick, the petitioner, and who was a candidate for member of assembly in said county, at the last election.

In support of the claim of the petitioner, is also presented to the committee the affidavit of John G. Tubbs, one of the assessors of the town of Junius in said county, and who was one of the inspectors of election in said town at the last annual election; who states, that on canvassing the votes of the said town, on the last day of the election, on the 5th of November, he read in the hearing of the inspectors of said election, and the clerks of the polls, the scattering and abbreviated votes mentioned in the affidavit of Henry Moses, supervisor of said town; and that after reading the same, he passed the said abbreviated votes to the said supervisor. The affidavit further states, that he the said John G. Tubbs distinctly recollects the four abbreviated votes mentioned by the said supervisor, and before described, and that they were of the following description, viz: Two votes for Danl. W. Bostwick, one vote for Daniel Bostwick, and one vote for D. W. Bostwick, all found in the proper box, and endorsed and designated according to the statute regulating elections. The affidavit further states, that in canvassing and estimating the votes of said town, the said votes so abbreviated, were all rejected by the board, and not estimated or counted for the petitioner or any other person; nor were the said ballots or tickets preserved, or a copy of the same, or any account or memorandum made thereof at the said canvass; nor were the same returned to the board of county canvassers, to the clerk of the county, or the clerk of the town of Junius.

The affidavit further states, that there was found in the congress and electoral box, one vote for Daniel W. Bostwick and Erastus Woodworth, which was also rejected, and not estimated, counted or preserved by the said board of town inspectors.

The affidavit also states that there is no other person in the county of Seneca of the name of Bostwick, except the petitioner, who was a candidate for member of assembly at the last election, held in the county of Seneca.

The committee have now presented to the house, the facts and proof of those facts, as alleged on the part of the petitioner, and as set forth in the affidavits accompanying the petition. While upon this part of the subject which has been before the committee, they beg leave to remark, that by the 44th section of the fourth article of the fourth title of the first part of the revised statutes, it is provided that no ballot properly endorsed, found in a different box from that designated by its endorsement, *shall be rejected*, but shall be counted in the same manner as if found in the proper box: which provision, the committee are compelled to say, was wholly overlooked or disregarded by the inspectors of election in the town of Junius, as far as relates to the ballot found in the congress box, given for member of assembly. It is with regret that the

committee are obliged to notice this culpable want of attention to the law under which they acted. By the 52d section of the same article of the statute, it is provided, "that it shall be the duty of the inspectors of elections, to preserve a true copy of all ballots rejected as defective, with the originals attached, and deliver the same to the town clerk, to be filed in his office:" which salutary and necessary provision, as the committee believe, was totally disregarded by the inspectors of the said town of Junius, if the facts stated in the affidavits of three of said inspectors, are to be taken as true. A rigid and strict compliance with the statute in conducting elections, your committee believe to be essential; and the reasons for it are so numerous and manifest, that they need not be suggested, but as a provision to save the trouble of an application to this house, when the objects would be accomplished at the board, if they did their duty.

On the part of the sitting member, who with the petitioner have both been before the committee, and two weeks allowed to procure additional proof as to the validity of his election, he has furnished the committee the following facts and affidavits: First, the affidavit of the town clerk of the town of Junius, who swears that he has searched the office of that town, and that there is no return to that office of rejected votes for members of Assembly on file in said office.

The committee are also furnished with an affidavit on the part of the sitting member, from Samuel Bradley, one of the assessors of the town of Junius, and one of the board of inspectors of said town, and who states the facts that two abbreviated votes were found in the proper box, of the same description as described by Henry Moses, the supervisor of said town, which were rejected by the board, and not allowed or preserved. He further states, that he has no knowledge or does he believe that any other ballot or votes were found in the proper box, that were not counted or estimated to the petitioner. And he further swears that there was no ballot found in the Congress box, which was not counted or estimated for the petitioner, according to the best of his knowledge or belief. The said affidavit further states, that there was a memorandum made of the defective and rejected votes at the time of the canvass and estimate of the votes of said town; but that the same is now lost or mislaid, and that the amount of the votes on said memorandum, was as is stated in his affidavit.

It is further made to appear to the committee by the affidavit of the town clerk of the town of Fayette, in said county, that there is on file in said office, a vote rejected by the board of inspectors in said town, on which is written the name of Sep't. Evans; which vote the committee have allowed to the sitting member, on the ground that it is the common and accepted abbreviation of the name of Septimus, the christian name of the sitting member, and as there is no other person in said county of the name of Evans, except Septimus Evans, one of the sitting members of this house from the county of Seneca.

The facts stated in the affidavit last referred to, are fully corroborated by the affidavit of Enoch Chamberlain, supervisor of the town of Fayette.

The committee have now gone through thus minutely with the proofs and allegations touching the subject before them; and in coming to a conclusion, they will briefly state their unanimous opinion.

1st. The committee have allowed the four votes described in the affidavit of Henry Moses, the supervisor, and as proved by two other of the inspectors of said board.

2d. The vote found in the Congress box should have been allowed to the petitioner; because the 44th section of the election law is imperative upon the board.

3d. The vote of the town of Lodi, which was rejected, should have been allowed to the petitioner.

4th. The committee have allowed to the sitting member one vote which was rejected in the town of Fayette, for the reasons heretofore given, that it was the common and accepted abbreviation of the name.

The result therefore will stand, that by allowing to the petitioner five additional votes, added to the 1558, will make 1563. Allowing to the sitting member one additional vote, will make 1560.

In which opinion your committee believe they are sustained by the rules heretofore adopted by this house upon similar applications, and also by the state canvassers, and by the supreme court. They therefore beg leave to submit the following resolutions:

Resolved, That the seat of the honorable Septimus Evans, the sitting member of this house, be vacated.

Resolved, That the petitioner, Daniel W. Bostwick, be admitted as a member of this house. as duly elected from the county of Seneca, in the place of the honorable Septimus Evans, the sitting member.

Ordered, That the said report and resolutions be committed to a committee of the whole house.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

Mr. Curtiss, from the select committee, to which was referred the petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for an act of incorporation for the purpose of constructing a rail-road from the town of Salina in the county of Onondaga, to the navigable waters of the Susquehannah river, reported:

That it is represented by the petitioners, and satisfactorily appears to the committee, to be of vast importance to the state, and of infinite interest to the petitioners, that the means should be increased and improved, and the expense of transportation lessened, between the Onondaga lake and the navigable waters of the Susquehannah river. The committee would remark, that a communication between the great western canal and the navigable waters of said river, is a subject which has for years agitated the public mind, and has been looked for with the most earnest solicitude; and that no route has been so generally desired, or excited public attention so much, as that which leads from the great salt manufactories, south, through the valleys, to the banks of the Susquehannah.

It appears to the committee, that it is a subject worthy the attention of the legislature, and of infinite importance to the petitioners and to the state generally, that a communication, as direct as possible, should be opened between the great salt manufactories in Onondaga and those inexhaustible mines of coal bordering on the Susquehannah river.

The contemplated rail-road will be about seventy miles in length, through a rich country, containing a dense population, and many healthy and flourishing villages. The committee would further remark, that the petitioners ask not that the *golden arm* of the *treasury* should be extended to them, but only desire that they may be permitted to construct a rail-road with their own means.

The committee would further remark, that from the knowledge they have of the respectability, enterprise and means of the petitioners, they have no hesitation in expressing a firm belief, that if a charter be granted, the necessary funds will be raised, and the road completed. And the committee, considering that a work of such vast importance can be accomplished without the risk of any loss, and without any expense to the state, earnestly recommend that the prayer of the petitioners, for an act of incorporation, be granted. They have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Curtiss, according to leave, brought in the said bill, entitled "An act to incorporate the Salina and Susquehannah rail-road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Cornelius Higgins," and the engrossed bill entitled "An act for the relief of the heirs of Christian Guthrie;" and find the said bills severally correctly engrossed.

Thereupon,

Ordered, That the said bills be referred to the committee appointed under the 47th rule of this house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to alter the time of holding the annual town meetings in the town of Pompey in the county of Onondaga," and find the same correctly engrossed.

Thereupon,

The said engrossed bill, entitled "An act to alter the time of holding the annual town meetings in the town of Pompey in the county of Onondaga," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act respecting female convicts in the state prison at Mount-Pleasant," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. Skinner gave notice that he would, on some future day, ask leave to introduce a bill, declaring what number of the trustees of Middlebury academy shall constitute a quorum for the transaction of business.

Mr. Johnson gave notice that he would, on some future day, ask leave to introduce a bill, authorising the commissioners of loans of Oneida county, to sell certain lands mortgaged to the loan officers of said county.

Ordered, That the bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county," be referred to the committee on the judiciary.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of Saturday last, for the appointment of an attorney-general and comptroller of this state, on the 27th instant.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

In my communication to the Legislature at the opening of the session, I alluded briefly to the outlines of a plan suggested to me relative to the renewal of bank charters. Understanding that it was the general expectation, that a full development of its details would be laid before you by me, I have requested its author to furnish me with a more ample statement of his views; and have now the honor to transmit the communication which I have received from him.

Although this plan is of a character somewhat novel, yet as connected with the most important object of your present duties, it is at least worthy of your deliberate attention. The necessarily imperfect notice taken of the subject in my former communication, has called forth, as I anticipated, expressions of disapprobation from those whose opinions are entitled to much respect. Imperfect as that notice was, it has however been sufficient to excite inquiry into its merits, and lead to favorable views of it on the part of several well informed and capable judges. It was reasonable to expect objections from those who so much misapprehended the proposed measure, as to believe that it designed to cast on solvent banks an immediate and unqualified responsibility for all those that might become insolvent: It will now be seen that such is not the case—Instead of that immediate, undefined and unlimited responsibility, it is

proposed to substitute for the payment of a gross sum to the state, which has sometimes been exacted as a consideration for the exclusive privilege granted, (and which is still advocated by several,) the creation of a permanent fund, to be held as a security against all losses which our citizens may hereafter sustain through the failure of banks. That fund is to be raised gradually, and in a manner little burthensome to the banks; to be at all times kept good by them, and instead of going into the public treasury for the general benefit, is to be applied to the protection from actual loss of those of our constituents who would otherwise suffer by the failure of banks improvidently chartered by the state, or unskilfully managed by those to whom they were so granted; and whose paper, in the unavoidable state of our currency, our citizens can hardly be said to have the option to take or refuse—To this is added a system of supervision, which if fairly carried into effect, cannot fail, it would seem, to protect the contributing banks against further calls, to preserve the fund, and to give our paper currency the utmost credit and stability. That the charters of the sound portion of the existing banks ought to be renewed, appears, so far as the feelings and wishes of our constituents can be ascertained, to be the prevailing opinion. If you should participate in that sentiment, the questions that will necessarily arise, will be, whether such extension should be without new conditions; and if not, then whether the plan now proposed, or some other and better one, shall be adopted—questions, which are properly, and may safely, be left to the wisdom and justice of the legislature. All that is asked for the plan now proposed, is your full and unbiassed consideration—If it should not be approved, the suggestion of it will not have been entirely useless: It has already assisted, and will probably further assist, to give a right direction to the public mind on a very important subject, by causing the establishment of banks and their regulation to be regarded as a matter of deep public concern, from their effects upon the great body of the people, and not merely as grants made for local accommodation, or to promote the individual interests of applicants and stockholders.

It will be seen that the author has added some reflections touching the propriety of an investment of their capital by the banks, and a change in the nature and form of their discounts. His views in that respect, have been now for the first time communicated to me, and were not referred to in my message at the commencement of the session. They are expressed with great force and perspicuity; and I lay them before you, in the belief that any thing calculated to throw light on a subject of such deep interest, is worthy of your consideration.

MARTIN VAN BUREN.

Albany, January 26, 1829.

To His Excellency Martin Van Buren,
Governor of the State of New-York.

SIR,

In compliance with your request, I have prepared a more full exposition of the plan, of which I had the honor to submit to you the outlines, for placing the banking operations of the state under a system of regulations calculated to produce the good management of the banks, secure the public against loss by their failure, and furnish a sound and well regulated currency, adequate to the necessities of this great and highly commercial state. It is my decided opinion, supported by that of many gentlemen of intelligence and extensive experience, that the principles upon which it is founded, if judiciously applied and faithfully executed, cannot fail to remedy the evils growing out of the present system, and produce much good to the community. Conceived and matured in retirement, with the sole view to correct those evils of which I have long been conscious, this system interferes with the interests and policy of the existing banks, where they interfere with the public good, and appeals for support to the good sense and patriotism of an impartial and discerning public. It is offered, in the hope that it may be the means of producing great and lasting benefits to my native state.

Accept, Sir, my best wishes for your health and prosperity.

I remain, your most obedient servant,

JOSHUA FORMAN.

Albany, January 24, 1829.

PLAN, &c.

The convenience of bank notes as a circulating medium, the facility and economy with which they may be increased to answer the demands of business, with the fashion of the age of extending business by credit, have rendered bank accommodations necessary to every seat of commerce. Under the influence of this necessity, our legislature has from time to time incorporated banks, as the increase of business and the advance of commerce required, until we have already about forty banks in operation; and from the increasing commerce of New-York, and the new field of business opened along the line of the canals, their number and amount of capital must be essentially increased, before every place of considerable trade shall be accommodated with bank facilities proportioned to its business.

Each of these banks is invested with the right of making bills to pass as money in the ordinary transaction of business, with no other regulation than certain restrictions in its charter, which may or may not be regarded, and no other security for the payment of those bills, than the corporate property of the company—each independent of, and sometimes in hostility to, the others. The legislature could not foresee the immense increase of business, and consequent multiplication of banks: It is therefore nowise strange, that they did not from the beginning adopt any system of regulations applicable to the present state of things. It is from experience we have been taught the result of such an organization—how banks could be got into operation with fictitious capitals, and flood the community with paper of no intrinsic value—how banks got up by well meaning men, could be bought in by knaves, who, after circulating three or four times the amount of paper they paid for them, could withdraw what capital there was, and leave the public to bear the loss—how, when most of the capital of a bank had been lost by its officers in wild speculations, its credit could be kept up by making the usual dividends, until the knowing ones had sold out, and nothing be left to pay its notes and deposits—and how, when banks had pushed their discounts and accommodations to a most unwarrantable length, from the desire of making large profits, they have, on a change of times, so suddenly and violently called in their demands, as to cause the ruin of multitudes of enterprising men, and furnished opportunities to dishonest ones, under cover of the general distress, to screen their property, and rid themselves of their debts; thus discouraging regular business, encouraging adventurous speculation, and corrupting the morals of the mercantile public to the very core: And great as has been the evil and loss from the *failure* of banks, they dwindle into insignificance, compared with the public injury occasioned by the *irregular and injudicious management* of the solvent banks.

It was early discovered by intelligent men, that this mode was defective; and about twenty years since, when the older banks were re-incorporated, they were all limited to about the same time, with a view, that at their re-incorporation, some general system of regulation might be adopted, which should afford a better security for the paper issued, and ensure a better management of their affairs. With the same view, many after incorporated banks were limited to about the same time. There was a project then stated, of condensing the incorporated bank capital of the state into one large bank, with branches in places where they were necessary, in the manner of the United States Bank; which, as the whole capital would have been answerable for all the paper issued, promised the desired security; and the several branches being under the control of the mother bank, would have been confined to such regulations as were imposed by them: Yet as it would have effectually destroyed the separate patronage, freedom of action, and individual advantage or loss from good

or bad management of the several branches, it never met the general approbation of the public.

Time has rolled on, and exhibited many sad evidences of the effects of our present banking system. The public, stung by repeated losses, have demanded some better regulations in the business, and better security for the payment of the paper issued. The legislature, in obedience to their wishes, have enacted many new regulations, to apply to after re-incorporated or newly incorporated banks; and searching for the security required, have adopted the plan of making the directors and stockholders personally liable for the debts of the bank. Yet the objection still remains, that the regulations are without the means of enforcing them—that they may and will be evaded by unprincipled men; and when the public have suffered damage by them, it is but a poor consolation that they may be punished, *if they can be found.* And as to making a security from the personal liability of the directors and stockholders, it is objected to by the existing banks, and in which many intelligent men concur, that it is calculated to increase the evil complained of—that under such a system, although some banks, bought up by individuals, or by a number of men bound to each other by a private agreement, could and would be safely and profitably conducted as private partnerships, yet in banks where the direction depended on the floating circulation of the stock, every prudent man and sound capitalist would, as soon as possible, withdraw from a business in which the risque was altogether disproportioned to the chances of profit, where he might be ruined, against his best efforts for the good of the institution, by the mismanagement of others. The ownership and management of such banks would soon come into the hands of needy adventurous men, who having little to lose, incurred little risque by their responsibility. From the great number of our banks, failures would be frequent; and little or no security being found from the liability of the men, the public would lose all confidence in bank paper.

In this state of things, the time has arrived when the great body of the existing banks must be re-incorporated; or in calling in their demands, to be ready to close their concerns at the expiration of their charters, a very general and distressing embarrassment would be produced through all classes of the community. From this legislature we must therefore expect the final establishment of a banking system for many years to come, the effects of which will be felt by succeeding ages. The object to be attained, is of incalculable importance to the prosperity, happiness, and moral character of this highly commercial and growing state—to secure them a sound, well regulated currency, which shall not only be in the hands of the receiver of the value it purports to be, but shall be so adapted to the necessities of business, as to insure to regular, well directed business, the support and protection necessary to preserve its well earned profits, and depress and restrain that adventurous, speculating business, which causes those convulsions in the money market, baffling all calculation, and defeating the best arranged plans of business. The task is an arduous one. To have succeeded in accomplishing what so many legislatures have attempted, and been most wofully disappointed, would at once give to our state as high a credit and respectability in her monied concerns, as she stands pre-eminent in commercial rank among the states of the Union, and redound to the lasting honor of the men whose good sense had selected and adopted the system.

Presuming that various plans would be suggested, I was induced, from principles and opinions long since discerned and entertained, to digest a system for effecting this object, and communicated the outlines of it to His Excellency the Governor. As it has received his favorable consideration, and been noticed in his message to the Legislature, I am the more confirmed in the opinion I entertained of its utility, (before I had communicated with any one on the subject,) and shall with more confidence explain its leading features, with my views of their bearing and consequences. Before going into the details of the plan, I wish to state certain propositions on which they are founded, to prevent their repetition in the course of this statement.

1. The intrinsic value of an article is regulated by the amount of skill and labor necessary to produce it; the actual or marketable value, by the demand

for use and the quantity in market, or the price in countries to which it is to be exported; the speculative value is produced by competition, in view of some anticipated demand at home or abroad.

2. The amount of currency necessary for the transaction of business, must therefore depend upon, and be regulated by the value of the commodities of the country in market; and by the immutable laws of commerce, and the nature of things, will increase and diminish with it.

3. If part of this circulation is paper and part specie, the whole amount will be exactly the same as if the whole was specie, so long as it is convertible into specie, and is secured by a substantial capital to guarantee its eventual payment.

4. That portion of the circulation which can safely be paper, it is the province of banks to supply, by the loan of their credit; and from this they derive their legitimate profits. As it is furnished at a cheap rate, the nation save the cost, interest, wear, and waste of some 40,000,000 of metallic currency.

5. So long as this is kept in just proportion to the necessities of business, is convertible at all times into specie, and secured by the capital of the banks and the property of their debtors, it is in every respect as good as a specie circulation.

6. When this currency becomes too abundant, (and the desire of making large profits too often leads those intrusted with its distribution, to outstrip the line of propriety,) the first effect is to raise the price of commodities by competition in the market, which would equally be produced by a superabundant metallic circulation; but as the diffusion of gold and silver is regulated by the laws of commerce over the world, and costs so much to own and possess it, its superabundance is a case of more rare occurrence.

7. If this rise of commodities is such that they can no longer be exported with profit, the specie in the country is sent abroad to pay debts and buy merchandize.

8. In this state of the business, sales come to a stand; and the merchant having his commodities on hand unsold, is unable to pay his note given for them: The circulation, ever moving as the atmosphere, not being kept out by the necessities of business, flows in upon the banks—they press their debtors; those commodities bought at speculating prices, must then be sold below their real value, to pay the debt. Commodities being thus reduced below their marketable value, a brisk exportation takes place: The drain of specie is stopped; by degrees, the ordinary importation of specie fills up the deficit occasioned by its exportation; prices rise to their proper level, and the sun of prosperity again beams upon the country.

9. As it is thus evident that banks have powers committed to them so deeply affecting the interest of community, they ought to be considered and treated as public institutions, intended as much for the public good, as the profit of the stockholders; and while they are allowed such latitude as may enable them, with good management, to make profits as good or better than any other business of equal risque, they ought to be put under such regulations as to prevent their injuring that community, for whose benefit they were instituted.

For this purpose, I propose,

1st. A set of regulations to insure a sound capital to each bank at starting; to keep it good and available; to limit their loans and discounts to an amount, to which it is safe for them to extend their credit; to prevent their issuing any bills payable otherwise than on demand, and in the lawful coin of the country, and compel their regular payment when demanded; to prevent the banks and their officers speculating upon the depreciation of their paper, and making transfers of their effects in anticipation of insolvency, to give a preference to their officers or their friends, or to defraud its creditors.

2d. As no mechanism can be so arranged as long to keep in order, without being occasionally adjusted; much less a moral machinery, in which human passions and frailties have so great an influence; I propose a board of commissioners, chosen by all the banks, voting according to capital, or appointed by the state, or part by the banks and part by the state, whose constant business

it shall be, thoroughly, firmly, but confidentially, to inspect the concerns of all the banks; see that they are kept within the prescribed regulations; concert measures for the good of all; give such information to each, as shall be necessary to prevent extravagant issues at times when the monied operations of the country are like to be embarrassed—and thus, as far as possible, prevent their failure. And whenever they shall find any bank violating those essential provisions for public safety, or so embarrassed in their concerns as to require them to be closed for the security of the public, and the other banks interested, to be invested with extensive powers to secure the property of such bank from being wasted or embezzled. And on the rendering of a judgment of insolvency against it, by a chancellor or judge, to have its affairs settled by trustees under their direction—its effects collected and converted into money, and its debts ascertained and certified—and when so ascertained, paid by the commissioners from the effects of the bank, and the fund hereafter mentioned. The commissioners to be removable by the Governor, for neglect of duty, or misconduct, on the application of a majority of the banks in interest.

3d. As the banks have, by their charters, and the operation of the law to prevent private banking, the exclusive right of furnishing a paper currency for the citizens of the state, and thus exercise a quasi right of sovereignty, equivalent to coining, by which they derive profits beyond the interest of their capital, it is but a just consideration for the state to exact from them a guarantee for the goodness of that paper. I therefore propose a fund to be raised from an annual payment by all the banks according to capital, to be applied to the payment of the debts of such banks as shall fail, to go on accumulating until it shall amount to $500,000 or $1,000,000, when the annual payments are to be omitted, until it is reduced by the payment of the debts of insolvent banks, below that sum, when it is to be immediately replenished by calling in so many arrear instalments as shall raise it to that amount. This fund to be held by the commissioners as a corporation, and invested in safe public stocks, or loans on such stocks; and in case the banks have the election of the commissioners, that they be accountable in like proportion for any loss to the fund, by the fraud or mismanagement of the commissioners; and in either case, the fund to remain the property of the banks, and each entitled to its share pro rata on the dissolution or expiration of the term.

4th. To render the system effectual, it ought, as far as possible, be made universal; and as the only mode to render it so, I propose, that *as a measure of state policy*, such of the charters of banks about to expire, now in good credit, as shall be thought expedient, be continued for a given period. say twenty years, subject to these regulations, and on condition that they shall consent to be subject to their operation from some early day, say the first Monday of May next. That all the charters in which the Legislature, with a wise forecast, have reserved the right to amend, shall be continued to the same time, and these regulations made amendments to their respective charters, to take effect from said first Monday of May next. And that as it is incompatible with the public interest, for any corporations to exercise the important power of making a paper currency, without being subject to the salutary regulations necessary for the public safety; I propose, that if the several incorporations possessing banking powers, and unlimited in duration, shall consent to be subject to the provisions of the system adopted, they shall enjoy the same exemptions and benefits as the other banks; but otherwise be taxed an amount annually, equal to the annual contribution of the other banks, in proportion to their capital, for the benefit of said fund; and their paper, in case of failure, be a charge upon the fund, in the same manner as that of other institutions.

5th. As an inducement for the banks to accept the provisions of the system—that the state stipulate with those accepting its provisions in the nature of a contract, that they will re-incorporate no banks not included in the general act—or being included, shall not accept its provisions before said first Monday of May next—they will incorporate no new bank which shall not be subject to the provisions of this system, in conjunction with those so accepting them, during the term of their re-incorporation.

That in every new bank incorporated during said term, the said commissioners shall be commissioners to receive the subscriptions to its stock, and to distribute the same among the subscribers in such manner "*as in their opinion will best promote the interest of the place where located, and the permanent good of the institution.*" That no such new bank shall go into operation, until the said commissioners shall certify that the capital required by law is actually and in good faith paid in, and such certificate filed in the office of the secretary of state.

That they will exact no bonus or onerous duty from any new bank, calculated to weaken its capital or embarrass its operations.

And as it appears that the average dividends of the banks in New-York for several years have not exceeded five per cent per annum, and the imposition of so large an annual contribution to the safety fund as would be desirable to render it an effectual security, would render it the interest of the stockholders to close their concerns, and put out their money at legal interest. The banks coming under these regulations, to be exempted from the operation of the law imposing a tax upon banks, leaving the stockholders liable to be taxed for their stocks as before the passage of that law, and the income of the fund be paid to the treasurer of the state for the use of the state, or to be distributed to the counties in the proportions they are now entitled to the tax, as the legislature shall see fit; so that the principal of the amount raised from the banks may be applied to the fulfilment of their engagement with the public, and the income thereof, after deducting the expenses of the commission, for the uses to which the present tax is appropriated.

6th. The wilful loaning or discounting beyond the limit set by law, the making false reports of the state of their concerns, neglecting for more than three months to pay their annual payment to said fund when required, having lost on the face of their books more than one half their capital according to the rules prescribed for estimating it, or suspending the payment of their bills in specie for more than sixty days, or either of them, to be adjudged an act of insolvency, and the affairs of such banks to be closed as before mentioned. An officer of a bank making false returns, false entries in the books of the bank, exhibiting false papers as evidence of indebtedness to the bank, for the purpose of deceiving the commissioners as to the true situation of the bank, to be guilty of felony, and punished as for forgery.

By the application of these provisions, the whole body of banks would constitute a kind of community something after the model of our federal union, in which each in its proper sphere would have the same freedom of action, separate patronage and individual benefit or loss from good or bad management, they now possess—with a supervision over the whole, as perfect and more beneficial for the public than that of a general bank over its branches—and a common fund for the common security, which, under the operation of the principle of inspection to prevent mismanagement, and the power to secure the property of the failing banks before mismanagement has progressed to its consummation, total ruin, and the wreck of its property has been hypothecated and made way with for the benefit of the directors and their friends—is on the whole a more ample security to the public than that of a general bank with branches, where, in case the general direction misjudged, they might ruin the whole concern; but under this system, like the union of the states, the right of self government in each, constitutes the security of the whole. If occasionally a bank should make bad calculations, they would be kept in check by the others, now more interested in their welfare than before; and if they should succeed in breaking through all restraints, and consummate their ruin, the losses would be comparatively small, and within the means of the fund to meet them; and at all events, although not sufficient to cover every *possible* loss, it will be acknowledged on all hands, is not only more available, but of more intrinsic value than the personal responsibility of the directors and stockholders, for the double reason that the property of persons rendered liable for the defaults of others, is rarely found to answer the execution, and that few who had any thing would be found in situations to be made liable.

The propriety of making the banks liable for each other, was suggested by the regulations of the Hong merchants in Canton, where a number of men, each acting separately, have, by the grant of the government, the exclusive right of trading with foreigners, and are all made liable for the debts of each in case of failure. The case of our banks is very similar; they enjoy in common the exclusive right of making a paper currency for the people of the state, and by the same rule should in common be answerable for that paper. This abstractly just principle, which has stood the test of experience for seventy years, and under which the bond of a Hong merchant has acquired a credit over the whole world, not exceeded by that of any other security, modified and adapted to the milder features of our republican institutions, constitutes the basis of this system.

As there has grown up with the banks now in good standing, a body of men capable of managing their concerns, in whom the public have confidence, and who are conversant with the demands of the various subjects of industry and business in the state; this system, placing them under proper regulations in their present form, must not only have a preference over that of a general bank with branches, the success of which must depend upon the selection of suitable men not only for the principal bank, but for all its branches, because the experience of their present managers is a pledge to the public of their avoiding those shoals and quicksands upon which most new directions get stranded, and the institutions under their management injured—but also on account of the derangement of business which must be produced by the calling in the funds of the present banks, and placing them under new management, before they would find their way through new channels, again to set in motion the numerous wheels of business through the country.

The stipulations on the part of the state are a necessary guarantee to those banks which shall submit to these onerous provisions, that no old insolvent bank or new one with a fictitious capital shall be added to their fraternity to drain their fund—and the penalties on the banks are a just punishment upon the stockholders for employing unprincipled or incompetent men—and considering the progressive nature of vice, and that the men chosen to such offices are generally men of good habits and character at starting, it can scarcely happen but the penalties against the officers must prevent those first steps in error which lead to the gross villainy the acts mentioned imply. The superiority of this inspection over a return made on oath as a mean of ascertaining the state of a bank, or to prevent its mismanagement, will be readily perceived—for a man must be insane to render a false return to the commissioners under the penalty of state prison, when the means of detection were at hand, and in all probability the truth would come to light in a few hours from the examination making: when in a return to an officer at a distance, to whom the law has not assigned the duty of ascertaining its truth, the remote chance of detection offers a great temptation to prevarication and concealment if not direct false swearing, by unprincipled men.

I will now suggest such answers as have occurred to me, to the objections which have or are most likely to be made to the system.

Objection 1st. It is objected by the rich, stable banks, who only wish to be left to go on with a prosperous business, that it imposes an onerous obligation for the benefit of minor and worse managed banks.

Answer. It is not for the benefit of those banks, but a guarantee to the public against loss by such banks, and is the just price of the rights they enjoy by the grant of the state. The conviction that something was due to the public for the exclusive right of making a paper currency, caused the exaction of a bonus on the incorporation of many banks, and the imposition on others of onerous duties in favor of individuals, to reward real or imaginary services, thereby essentially injuring the after usefulness of those institutions. Under this plan, that consideration, instead of being taken *from* the bank, and in case of failure, so far increasing the public loss, is made the security of the public from loss.

Objection 2nd. It may be objected by some banks, whose affairs have been managed for the benefit of a few, and whose funds are often drawn out in bold speculations, that the inspection proposed is too inquisitorial.

Answer. I have before said that banks are properly public institutions, established for the public good, as well as individual profit. Most of the evils experienced from banks have arisen from overlooking this principle, and granting bank charters to particular men, instead of locating them as accommodations to the business of particular places, in which the real capital of the place might be consolidated, and furnish the basis of a credit for the transaction of its business. The persons obtaining the charters have generally so managed, as to get their friends appointed commissioners, and the stock distributed to their minds, to give them the control of the bank. They then either drew out its funds at pleasure, for their own speculations, or sold out their stock at an advance to men who wished to use the machine for profit, or enrich themselves by its ruin. It is from this class of banks the greatest losses have been sustained, and such of them as still remain without having the stock generally diffused, are among those institutions where the public good requires the inspection most.

Objection 3d. By the banks in whose charters the power of amendment is reserved—That as such regulations were not contemplated at the time of the grant, they are in the nature of *ex post facto* laws, and ought not to be enforced upon them during their present term.

Answer. The conviction that there was a radical defect in the old system, caused the reservation of a power to amend their charters, and it comes with an ill grace from men who have gone into operation under a charter with such reservation, now to object to its exercise for the public safety, at the time so long looked to, for a general revision of the system. If it was not to remain a mere dead letter, there could not occur a possible occasion more appropriate for the exercise of this power than the present, when the general voice of the public calls for better regulations upon banks, and better security for their paper.

Objection 4th. By the institutions exercising banking powers, unlimited in duration and without power of amendment reserved—That it would be unjust and arbitrary to tax them for the insurance of their paper.

Answer. Yet on general principles, as the state has a control over its citizens, to compel each so to exercise his rights as not to injure others; and experience has shewn the danger of permitting corporations to issue bills with no better security than their corporate property; there can be little doubt they have the power, and much less of the propriety of enforcing by tax, a contribution to the safety fund, from such of them as shall not, from a sense of justice and acquiescence to the public will, voluntarily subject themselves to the provisions of the system.

Objection 5th. By the city banks—That if this security is given to the paper issued, the country banks will be enabled to keep out a larger amount of paper, and engross the circulation of the city with a paper under par there.

Answer. The regular current of business does now, and must continue to carry the paper issued in the country, to the city: Yet as the products of the country are again sold in the city, a quantity of city paper must be carried into the country, and find its way into the country banks, to meet their paper when returned: And when the amount issued is limited by the restrictions on their loans and discounts as proposed, and an increased value and credit given to it by this system, their paper will be used in payments, and taken out of circulation, and the danger of its accumulation removed. I would here further add, that if the banks were prohibited from issuing notes under five dollars, as has been done in Virginia, Maryland and Pennsylvania, and the small bills of other states prohibited, so that specie would be called into use for change and all small transactions, the circulation of each bank would be confined to its proper sphere. And this ought to be done, that in case of reducing the circulation, the distress would not be so great by the amount of specie thus held in circulation; nor, in case of their failure, fall so hard upon that class of men, who,

having less than five dollars, would have it in specie. But also as specie is the nearest standard measure we possess of the value of commodities, and paper only retains its value while it is readily convertible into specie, it is highly important that a competent portion of specie should be kept in circulation through the country, that the relative value of paper might be constantly tested by it. For whenever such an over issue of paper has been made that its circulation cannot be kept up, and there begins to be a call for and premium on specie, it will be evident to all that a too abundant circulation has been produced, and the consequent exportation of specie already commenced.

Objection 6th. By the country banks—That the restriction of their loans and discounts will essentially reduce the profits of their business, and ought not to be enforced on those who conduct their business well, because others have mismanaged and failed.

Answer. Under this limitation, they may, with good conduct, make as much, after paying the expenses of management, as they have any right to claim: And as they risque as much on the capital as is safe in the average of times, and more than is prudent for an individual, public safety requires them to be limited to the line of prudence; for although an able board of directors might fearlessly launch further from shore, with full confidence of making a profitable return, a change of directors might place men at helm, who, from unskilfulness, would founder the ship in the first storm. Besides, when a safe system of banking operations shall be settled, and the legislature relieved from the panic apprehension from banks, shall have incorporated banks at the places, and to the amount they are now needed, there will be neither the inducement nor the opportunity of extending their business as far as they now do.

Objection 7th. By cautious men, and the existing banks—That under such a system, the apprehension from banks being removed, they would be multiplied in number and amount beyond what is needed for public accommodation, the amount of dividends and the value of stocks reduced, and the business destroyed by competition.

Answer. As by this system the object of getting bank charters for speculation is removed, there is little probability the legislature will grant banks where they do not believe there is legitimate business, or to a greater amount than they judge useful for the business of the place. Should they err on this point, as no such bank can go into operation until its capital is paid in, few men that had money would embark it in a bank of such doubtful utility. If got into operation, as it is with banks as with most other business, those best conducted would make the best dividends, and stand highest in the stock market; while those badly located or badly managed, would soon fall into the hands of the commissioners, to be wound up, or making dividends much less than legal interest, would be closed by the stockholders. But it is beyond a doubt, that as public institutions under good regulations, there would be no danger to the public, but an increased security from an increase of banks, and consequently of capital, on which the given amount of paper circulation used in the business of a particular district is based. For it cannot be denied, that since the vast increase of business along the line of the canal, without a proportionate increase of banks, those in the vicinity have been constrained to enlarge their business to a fearful amount, to accommodate the necessities of business, jeopardizing their very existence in case of a sudden fall in the price of the great staples of that section of that country.

Objection 8th. Objection has been made to the election of commissioners by the banks, and placing the fund in their hands, as less safe than in that of the state; and to this opinion, his excellency the Governor seems to incline in the notice taken of the project in his message.

Answer. With all deference to his better judgment, having given more attention to the subject, I am still of the opinion that the plan first proposed is decidedly preferable. Experience has shown it best for government to interfere as little as possible with the concerns of banks, except in placing them under proper regulations, leaving them with the keen sightedness of self interest to manage their own concerns. In this case, placing this fund in the hands of the

commissioners as a corporation to keep it invested safely, making the banks security for the good conduct of the commissioners chosen by them, as a pledge of their choosing men above all suspicion, it could not fail to be at all times an available fund at the moment needed. But should this fund come into the treasury of the state, although its credit is now good, and money could be raised at a moment's warning on its stock; yet should some future legislature, under the influence of that spirit of improvement which is abroad in the land, and has in some parts of the Union risen almost to an epidemic madness, undertake at the public expense a number of those projected improvements, and a greater amount of stock be thrown into market by this state, and the others now embarking deeply in such enterprises, than the surplus capital of the country can absorb; for it is with the public as with an individual, they cannot safely expend in improvements much beyond their spare capital, without producing embarrassment; a reaction would take place, stocks fall in the market, and a state of things might arise in which, should a considerable call be made on this fund, and such a crisis would be likely of itself to produce bank failures, that resort must be had to legislation to raise the money necessary; and a delay take place injurious to the creditors of the banks failed, and discreditable to the system. Even the possession of such a fund must furnish a temptation to embark in some such project, to make a profitable employment of the money.

Without attempting answers to all the objections which interest and ingenuity may devise to the plan proposed, I readily admit that I do not consider it perfect for all the purposes attainable by legal provision; but one calculated to put under regulation the existing institutions; as far as possible to secure the public from loss by their failure, and maintain a well regulated currency, compatible with the present state of things, and their established modes of business, and as favorable for the public as there is any reason to expect can now be enforced upon them.

To render the system perfect for both those purposes, two further regulations are necessary, interfering at once with the present modes of business, and the commonly received opinions on the subject of banking.

1st. To confine the banks to discounting business paper to fall due at short periods, to be paid at maturity, and without renewals promised or expected.

2nd. To compel them to invest their capital in safe public stocks, or put it out on bonds and mortgages upon productive real estate of double the value, for long periods on interest, and not to employ it in their ordinary business.

However singular this plan may appear to many, it is demonstrable that by this mode, and this only, can a circulation be maintained exactly adapted to the necessities of business, and that the great evils experienced in this and other states, from an irregular currency, have originated from a violation of those rules. As it is impossible from the present situation of the existing banks that these regulations could now be applied to them, it might seem useless to mention the subject at all: but having volunteered advice, I feel bound to state the whole case, and provide an adequate remedy; and in the hope that correct principles being stated and discussed at a time when the public attention is alive to the subject, they may be applied in the incorporation of new banks, and provision made, that when experience, under our own eyes, has shown their beneficial operation, they may be gradually applied to the existing ones.

The profits of banking are derived from the use of their credit, by the banks in discounting notes, whether in the shape of bills, or credits on their books.— So far as capital is used, it is interest and not profits.

The amount of that credit which can be kept in use without creating a redundant circulation, is exactly the amount necessary for the transaction of business, and is regulated by the value of the commodities in market at the time

The use of their credit to this amount may be counted upon as a fund, upon which to operate with as much certainty, as if they had the specie in their vaults to redeem every bill, so long as their capital is sound, and public confidence in it undiminished.

It therefore results as a consequence, that the use of their capital, in the ordinary business of banking, is unnecessary, as they might do all with their credit, which can be done with capital and credit both, within the amount required for the transaction of business, and not producing a redundant circulation and a consequent increased demand. In this and the preceding propositions, I speak of the banks as a collective body, in which the operations of all have the same effect as if done by one.

It reduces their profits by an amount equal to the interest of that amount of capital employed, where credit might have been used, and which has displaced so much credit; for it is manifest if their capital had been invested or loaned, drawing interest, and the same business done on credit, the whole receipts would have been so much greater.

If such use of their capital is both unnecessary and unprofitable, it is an improper risque of the fund, on which their credit is based, when it might always be invested or loaned to be equally productive, without risque or loss. The bank exchanges its credit for the notes discounted, and the difference is profits, which is the proper fund to bear the losses sustained.

The practice of using their capital in their discounts is liable, and almost without exception, has produced losses of capital, and injury to their credit—by causing them when in the recess of business, their funds are thrown on their hands and little business paper offered, for the sake of keeping it on interest, and insuring the ordinary dividend, to make loans on accommodation paper, for enterprizes less certain of success, and on securities less substantial than they ought, or would in good business times; many of which, instead of being in a state to be called in, require the advance of part of their credit, with a view to render them secure, when the revival of business requires its use, and sometimes to the exclusion of the best business paper. By which means they gradually get a large amount of capital out, upon slow, doubtful debts, which cannot aid them in time of necessity, and constitute a poor security for their credit in use. Whereas, had they commenced under these rules, their capital would have been safely invested in productive stocks, or loaned on the best securities to merchants, to constitute their capital in trade, to mechanics and manufacturers to set up their business, or to farmers to pay for or improve their farms, for such time as to enable them to bring their plans of business or improvement to maturity, and repay the money from the profits, without being liable to have them broken up and defeated by an unexpected call of the funds, and themselves and their endorsers ruined by the operation.

But the paramount evil of this mode of using capital, is its constant tendency to create a redundant circulation, produce speculation and its consequent evils—Having their capital on hand in the ebb of business, and desirous of making their usual profits, money is let into circulation too freely, and through other channels than the regular course of business, and to other than business men, who by having money in their hands, acquired too easily to appreciate its value or know its proper use, are tempted to embark it in speculations: Sales consequently become brisk, and the banks, whose injudicious management first lit the fire, now furnish fuel for the flame, by discounting the business notes created, and new accommodation notes, until all within its influence have entangled themselves, and all those however remote from the scene, whom the ties of friendship or blood could influence to become their endorsers, as far as the banks dare credit them. As the property bought is run much above its marketable value, and they can no longer hold it on speculation, the bubble bursts—it is then frequently sold so much below its cost as to take all they are worth, and ruin their endorsers, to pay the difference. Thus the consequences of mercantile speculation are diffused through the whole community, breaking down and destroying families who might otherwise have passed through life with competence and respectability. While under these rules the banks having their capital producing income, and confined to discounting business paper, would more readily submit to have their discounts decline with the decline of business; no more money would come into circulation than the business doing called out, to produce speculation; and should a flattering prospect of

demand abroad produce it, it would be in the line of business; the notes discounted would generally be those of the buyers, endorsed by the sellers; the punishment of overtrading would fall only on those concerned, and exactly in proportion to their participation in it.

A bank thus organized, having its capital invested or secured, drawing interest, and confining itself to the discounting of business paper—like a well adjusted safety gate on a canal, which regulates the discharge according to the influx of water, would always regulate their issues to their receipts, and command their business instead of suffering it to get the command of them. Its officers would have only to see that the notes discounted were safe, and that the bills receiveable covered the bills payable, and all would be well, leaving the deposits and profits on hand to cover accidental variations: and should these rules be made universal, with the supervision of the commissioners, to prevent losses by fraud and gross ignorance, and by the experience acquired of the maximum and minimum of circulation, keeping all within proper bounds, and the safety fund to prevent panic runs and pay real losses, the banking interest of the state would constitute an organization as perfect in its combinations, safe in its operations, and beneficial in its effects, as it is possible for any moral machinery to be—capable of producing all the good ever contemplated from banks by furnishing a circulation exactly adapted to the necessities of business at all times, and preventing all the evils their injudicious management has produced; and from their amount, and the important position they hold with respect to commerce of the Union, might, without doubt, maintain a sound healthy circulation here, however the injudicious management of the banks in other states might convulse their money market, or depreciate their currency.

The objections to this mode of banking arise from false theories of circulation entertained by many, covering with a cloud of mystery the operations of the discount room, and the inherent love of power and patronage in the directors and officers of banks. In the present mode, they have the power of calling through their hands, if at their call it could be raised and paid, the whole amount of the debts due them, in the course of ninety days, amounting to from twenty-five to thirty millions of dollars in this state, and exceeding its whole circulation. This power, which in ordinary times, like the energies of the sleeping volcano, seem scarcely to be felt, are exerted with tremendous effect, in times of reducing the circulation from a redundant to an ordinary one—crushing whom they please, and sparing those only who find favor in their eyes. This monstrous power is too arbitrary in its character, too degrading to the body upon which it is exercised, and demoralizing in its effects upon society, to be tolerated in a land of freedom, unless it shall be found imperiously necessary to prevent a greater evil, or obtain a paramount good; both of which I deny altogether.

They allege, that if the banks were not to use their capital in their discount business, they could not keep the amount of specie on hand necessary to answer the demands of commerce for foreign intercourse, and to keep their paper always convertible into specie.

It is clearly deducible from the principles of circulation and commerce, supported by the results of experience, that under this mode of banking, the same amount of specie would find its way into their vaults from payments and deposits, as in the present one, and be less likely to be driven out of the country by a too abundant and depreciated paper circulation; for they are not so patriotic as to employ their capital to import specie, and keep it on hand for time of need, any more than the merchant to export produce at a loss, to save the exportation of specie. The solitary instance of such an importation, instead of supporting their position, furnishes the most conclusive evidence of its fallacy. The United States Bank having most unwarrantably extended their business, brought on the wildest speculations, particularly in their own stocks, and caused the specie to be drained from the country, sent to England, purchased, and imported a large amount to aid them in paying the notes they were daily issuing, without compelling their debtors to pay theirs—either forgetting that

their tellers could pay it out as fast as the cartman could roll it in, and that the laws of commerce would drive it from the country in less time than it took them to procure it—or desirous of keeping up the game of speculation, until they had accomplished their objects. They were at length constrained to apply the proper remedy, which, if used sooner, would have had the same effect, and prevented much evil; they lowered the gate, curtailed their discounts, and compelled their debtors to pay their notes. At once a new order of things was produced. Their bills, instead of standing boldly at the counter, demanding specie, came obsequious at their call in payment of their demands. The truth of my position is further proved by the experience of the Bank of England, whose capital has, from the beginning, been all vested in government stock, and its business confined to discounting business paper, yet has been able to sustain the immense mercantile operations of the nation with its credit alone, discounting *every* good note offered, has furnished the government important aid in its financial operations, and kept such an amount of specie on hand, as frequently to sell it for exportation, to avoid having too large an amount lying idle on their hands: And the experience of many banks on this side the Atlantic has shewn, that the nearer they approached to this mode of banking, the easier they passed through those changes of circulation which so violently agitated the other banks.

It is further objected, that they cannot meet their paper coming in, at times of reducing the circulation, and provide for the deficit on such business paper as usually lies over on such occasions, unless they have the power of coercing aid pro rata on all their debtors able to pay.

If indeed that was the practice, the evil would be more tolerable; yet in a case of necessity, their capital well invested or secured, would be a much more available fund from which to raise the temporary aid required to carry them through such a crisis, than the power of coercing accommodation debtors, who not expecting it, would be unprepared to meet the call. But it is too often the case that the whole is exacted from part, to save others from paying any, and even to furnish funds for speculation on the necessities of the times: And the mind sickens at the scenes of usury, extortion and oppression, practised by money holders, and the frauds, deceit and chicanery, resorted to by the debtors on such occasions, with the violent transitions of property attending them, which in a few years have produced almost a complete revolution of property in this and some adjoining states. And all this resulting as the necessary consequences of a pernicious system of banking, rather than the evil intent of men conducting banks.

Under this system, the banks would no longer be found holding up and giving a fictitious credit to a body of accommodation debtors, really insolvent, by means of which they are enabled to contract debts elsewhere, and thereby pay their notes, and save their indorsers harmless—Nor shouldering for each of their customers the consequences of successive indiscretions in the shape of accommodations, accumulate a load sufficient to crush them, which if left to themselves they would by effort have overcome separately. But by keeping the body of mercantile men to the duty of meeting their engagements, would gradually teach them the value of those wise maxims of trade, never to embark in an enterprise beyond their means to accomplish, or adventure more on one speculation than they can bear to lose; and thereby habits of prudence and dependence on the profits of regular business be produced, in place of that reckless spirit of adventure, under which they are constantly putting their all upon the hazard of a speculation as uncertain as a lottery; relying upon the facility of escape from the consequences of failure, from the frequency of their occurrence—a practice as variant from the sound maxims of mercantile business, as the present usage of the banks is from the genuine principles of banking.

This natural, safe and easy mode of banking, is founded on the immutable laws of circulation and commerce—certain in their operation as the laws of attraction and gravitation, which regulate the motion of bodies on the earth, and chain it in its orbit; explained and demonstrated by the ablest writers on

national economy, and supported by the experience of every age and every country in which banks have been conducted successfully, and confirmed by the defeat and disgrace of every attempt hitherto made in opposition to them, to sustain credit not based on capital, or support a circulation not convertible into specie. It recommends itself to the patriot, statesman and philanthropist, as the most powerful and certain means of producing those regular habits of business, good morals and progressive prosperity, necessary to realize and perpetuate to distant ages those anticipations of the future greatness, virtue and happiness of their beloved country, which sustained our forefathers in their arduous struggle for its independence.

JOSHUA FORMAN.

Ordered, That triple the usual number of copies of the said message and the accompanying document, be printed in a pamphlet form, for the use of the legislature; and that the same be referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The annual report of Robert Snow, an inspector of pot and pearl ashes for the city and county of New-York, was read, in the words following, to wit:

TO THE HON. THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

The subscriber, one of the inspectors of pot and pearl ashes for the city of New-York, agreeably to law, reports as follows:

The whole quantity of pot and pearl ashes received into his store, and inspected by him, during the year ending on the first day of this present month, is as follows:

Pot ashes, first sort,	5614
do second do	826
do third do	100
do condemned,	20
Total barrels pot,	6560
pearl ashes, first sort,	2980
do second do	500
do third do	78
do condemned,	8
Total barrels pearl,	3575

There were also re-inspected ashes of former years. Say:

Pot ashes, first sort,	1228
do second do	49
do third do	5
Total barrels pot,	1282
Pearl ashes first sort,	1212
do second do	79
Total barrels pearl,	1291

Ashes of 1827, inspected for the first time in 1828:

Pot ashes,	469
Pearl ashes,	275
Total,	744

Amount of emoluments or fees received for inspection during the year:

On ashes for the year 1828, ...	$4,831 43	
On re-inspected ashes do	1,355 21	
On ashes of 1827, not before inspected, ...	358 22	
		$6,544 86

From which deduct store rents, clerk-hire, foreman's wages, coopers, laborers, with numerous contingent expenses.

All which is respectfully submitted,

ROBERT SNOW.

New-York, January 22d, 1829.

Ordered, That the said report be laid upon the table.

Ordered, That the usual number of copies of said report be printed for the use of the legislature.

The annual report of Peter Conrey, an inspector of lumber for the city and county of New-York, was read, in the words following, to wit:

Returns of Lumber, inspected and measured by Peter Conrey, for the city and county of New-York, from the 1st May 1828, *to the 1st January* 1829, *as required by revised statute, chapter 17th, passed at the extra session of the legislature of the state of New-York, December 3d*, 1827.

	Inspection.
St. Domingo and Cuba mahogany, 261,869 ft. 4 in. sold from 10 to 40 cents per foot, inch or board measure, ...	$261 86
Spanish cedar, 75,017 ft. 6 in. sold from 4 to 8 cents, ...	75 01
Clear mercht. second quality, and refuse pine boards, 276,065 ft.; hemlock plank, 58,968 ft.	126 75
Measured pine boards, 8,973 ft.	2 75
158,476 ft. beam timber and scantling, from the state of Maine, sold from $10 to $13 per M. inspected, ...	39 61
12,542 ft. ash plank, inspected, ...	4 70
659,310 cypress shingles, inspected, ...	118 67
31,384 ft. oak plank, 10,469 ft. sheathing boards, 7,576 ft. cedar boards, 7,622 ft. whitewood boards, total 57,051 ft.....	21 39
313 ft. red cedar, cubic measure; 2 pieces live oak, 14 ft. 5 in. do	4 00
2,995 ft. basswood plank, 1,655 ft. whitewood do. face measure,....	3 48
28,212 ft. yellow pine plank from Georgia, ...	10 58
33 oak knees, 193½ in. charge $1; 5,163 ft. thin pine boards, $1.94,	2 94
2,543 ft. maple scantling for bedsteads, ...	1 00
	$672 74

PETER CONREY, *Inspector.*

Ordered, That the said report be laid upon the table.

The annual report of the canal commissioners was read, in the words following, to wit:

TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

The canal commissioners, in obedience to the law requiring an annual statement of the condition of the public works, and of their proceedings in relation thereto, report:

That during the last year the works on the Oswego canal, with a trifling exception, have been completed; and a good boat navigation has been extended from the Erie canal at Salina to the harbor of Oswego.

The expectation however, which they had indulged of finishing this work by the middle of the last summer, and of giving the public the advantages of its entire navigation during the latter part of the season, has not been realised.

Frequent and long continued rains and the prevalence of sickness have delayed its completion until the commencement of the present winter. The unfinished part of the canal was situated on the border of the Onondaga lake, and along the banks of the Oswego river, on ground but little elevated above the ordinary height of the water. A succession of floods overflowed the work, sometimes entirely interrupting its progress, and at other times rendering it tedious and expensive.

In the construction of a lock located in the edge of the river, the foundation of which was laid six or seven feet below the surface of the water, the difficulties encountered were for a time insurmountable. The excavation for the foundation had been begun in the fall of 1827; and the water which flowed freely through an open gravelly soil into the pit, was thrown out by pumping and bailing; but as the excavation was carried deeper the quantity of water rapidly increased, and the labor and expense became excessive. The men employed were soon after attacked with fevers; the contractor died, and the work, for that season, was abandoned. The floods of the last spring delayed the re-commencement of operations. An effort however, was made to discharge the water from the pit with pumps, worked with horses, but the influx was found too great to be thrown out by pumps or any machinery which could be conveniently obtained and worked by horse power, and the experiment resulted in the conviction that the surest resource was to a water power which might be introduced through the canal, from a dam on the river above, and applied to the working of a large wheel, constructed with curved buckets extending from the circumference of the wheel to its centre. A wheel of this construction had been used successfully in dipping the water from several coffer dams which had been sunk in excavating and deepening the bed of the river.

The dam and canal were not at this time finished, and while spirited exertions were making to complete them, and to construct the wheel and other necessary machinery, the work was suddenly checked by an appalling sickness. The superintendant who had in charge the construction of the lock, together with his laborers, were attacked with malignant fevers, and abandoned their work. Another company of men were employed, and these also, with scarcely a single exception, were seized with the same complaint; several died, and among them their superintendent, a most efficient and valuable man.

The contractor and laborers on the canal adjoining the lock, were afflicted with the same distressing malady, and the whole work was again nearly abandoned.

On the return of cool weather in autumn, the sickness abated, and other laborers and superintendents were employed. After which time, the wheel and machinery were completed and put into operation, and the work vigorously and successfully prosecuted to its final completion in the month of December.

The only unfinished work on the canal, is the dam before mentioned. The strength and rapidity of the current of the river, occasioned by a continued state of high water through the whole season, have prevented its entire completion. It is, however, in such a state of forwardness as to answer, for the present time, the purpose for which it was intended; and it can be finished when the floods subside, without any interference with the navigation.

One of the largest dams on the Oswego river, was undermined by the reaction of the heavy body of water which fell over it during the floods; and it became necessary to repair the injury, and to sustain the whole work by very extensive additions. This has been accomplished in so substantial a manner, as to remove all apprehensions of its future security.

The Oswego canal is thirty-eight miles in length: Of this distance, about one half consists of narrow canals, connected with the Oswego river by locks and dams; the other half is a slack water navigation in the river, accommodated with a convenient towing path along its bank.

Its structures of timber and stone consist of twenty-two towing path and other bridges, seven culverts, one aqueduct, two waste-weirs, and eight dams built

across the river; thirteen locks of stone masonry, and one of stone and timber, having an aggregate lift of one hundred and twenty-three feet, which is the difference of elevation between the marsh lands at the village of Salina, and the surface of the water on Lake Ontario.

There has been paid for the construction of this canal, the sum of $505,115.37; and there will be required to balance unsettled accounts, and to pay the allowance which the canal board will probably make to contractors, the further estimated sum of $20,000, which will make the total cost $525,115.37.

The progress of the work on the Cayuga and Seneca canal, was retarded last spring by the high state of the water in the outlet, which affected portions of the work throughout the whole season; and the navigation from the Seneca lake to the Erie canal, did not commence so soon as had been expected. Early, however, in September, the navigation was opened from the lake to the Seneca falls, and from below the falls to the Erie canal, by the old route of the Seneca river.

About the fifteenth of November, the water was admitted into every part of the line, from the foot of the Seneca lake to the Erie canal at Montezuma; and an uninterrupted navigation was maintained for the remainder of the season.

The Cayuga and Seneca canal is now completed, with the exception of some unfinished work between Geneva and the foot of the lake, the deepening of the channel of the outlet at a few points, and the erection of a dam across the outlet near the Seneca river; but the little labor required to open the navigation throughout the whole line, justifies the belief that it will be accomplished as early as the first of May next.

In consequence of the imperfect state of the navigation, toll was not charged until the 20th of November.

This canal is twenty miles and forty-four chains in length, of which ten miles is an independent canal, and ten miles and forty-four chains is a slack water navigation in the natural channel of the outlet, accommodated with a tow-path on its bank. It has eleven locks, embracing seventy-three and a half feet of lockage, nineteen road and occupation bridges, 2710 feet run of tow-path bridges, five safety gates, three new dams, two dams partially rebuilt, six culverts, seventeen miles of fence, three lock-houses, and one collector's office.

The sum of $195,000 has been appropriated for the construction of this canal, of which there has been disbursed by the commissioners of the canal fund, to the Seneca lock navigation company, $53,603,53, and towards the construction of the canal, $144,396.78, which exceed the appropriation $2,999.25.—To complete the unfinished work, pay the allowances which may be made to contractors by the canal board, and assessments of damages, will probably require a farther appropriation of $16,000.

The cost of constructing this canal will vary but little from $7,500 per mile, which very considerably exceeds the original estimate of the engineer.

This has arisen in part from the unfavorable weather during the whole length of time the canal was constructing, the unexpected difficulties which have occurred in deepening the channel of the outlet, sinking the lock-pits, and other expensive excavations under water, and the execution of a variety of work not included in the original estimate.

The locks are constructed of wood, and although in some trifling respects defective, we feel confident they will be as permanent as the nature of the materials will admit.

The great length of time which has been occupied in making this canal, has been injurious to the business of a large district of country, and has been to us a source of much regret; but the delay must be ascribed to causes beyond our control. The great anxiety to obtain jobs on the canal, has, in many instances, resulted in contracts for prices below the value of the work, which led to embarrassments, and repeated abandonments of contracts. The time consumed in advertising for proposals in pursuance of the statute, has, at various periods, seriously retarded the progress of the work.

The line for a lateral canal from the Cayuga and Seneca canal, to the village of East-Cayuga, was re-surveyed in April last, and put under contract early in May.

The lock-pit, and about one third of the line, has been excavated, and the lock nearly finished. This lateral canal is one mile and sixty-eight chains in length, and has one lock of ten feet lift, connecting the canal with the lake.

The contractors experienced great difficulties in excavating the pit, on account of the quantity of water proceeding from springs, and the influx of water from the lake, through a porous soil. A much greater quantity of rock is found within the line of the canal than was expected, and according to the report of the engineer, the completion of this work will require a farther appropriation of $8,000. The whole work may be completed by the first day of July next.

The navigation of the Erie and Champlain canals commenced at an earlier, and continued to a later period than usual. The weather in the month of March was mild, and favorable to a speedy completion of the spring repairs, and the canals were open throughout their whole extent on the first of April, and the navigation continued without any material obstruction from the ice, until the 19th of December, affording a length of time more than sufficient for the requisite transportation. During two or three weeks at the commencement, and about the same length of time near the close of navigation, there was but little business done; all the merchandize had ascended the canals, and the products of the country destined to market had passed down, with a trifling exception, before the last of November.

The season, although favorable to a long continuance of navigation, has been remarkable for frequent and violent storms of rain, and in no former year have the canals suffered so much damage from floods, or been so frequently broken, as during the last summer.

So great and sudden were the inundations, that the water on several occasions, was raised over the embankments, and before measures could be taken to relieve the canal from its danger, they were broken down by the torrent. The breaches which occurred in this manner, were at Frankfort, Oriskany, and in the town of Watervliet, on the Erie canal, and at several places on the Saratoga level on the Champlain canal. Other considerable breaches took place on the Erie canal in the towns of Parma, Perrinton, Brutus and Verona. The reparations were made with all practicable expedition, and the interruptions to navigation were not of long continuance.

In January last the water found a passage round one of the wings of the dam at the foot of the harbor at Black-Rock, and occasioned a considerable breach. It was repaired, however, in a few days after it took place, at an expense of $1,300.

Since that time, the dam and the embankment on Squaw Island, and along the inner side of the pier, have been raised and strengthened. The pier has also been raised, and more compactly and perfectly filled with stone, and some additional works have been placed on the outside of the pier, for the purpose of shielding it more effectually from the ice which descends the adjoining rapid of the river.

The dam at the mouth of the Tonnewanta creek was defective it its original construction, and has been every year more or less injured by the floods. It was therefore deemed advisable to rebuild a part of it during the last summer, in a more substantial manner. This has been done, and the whole work is now in good condition.

The banks along the deep earth excavation on the mountain ridge, which had been torn down and defaced by the rains, have been in part repaired and protected, and preparations are making to give them additional security, and to remove the earth which has been carried into the bottom of the canal.

An excellent guard-lock has been constructed at the head of the feeder from the Genesee river; and the guard-gates which have been heretofore used, and found inconvenient for the passage of boats, have been removed. A house for the accommodation of a lock-keeper, has been erected: and the dam across the river, which had been injured by the floods, has been repaired. Some additional work is required to render the entrance of the feeder safe and convei ent, which will be done the ensuing spring.

The cut which conducts the waters of the upper branches of the Tonnewanta creek into the Oak-orchard creek, terminates at a point on the latter where the channel is too contracted to discharge the waters of the two streams. The adjoining land, which is low and level, is consequently overflowed. In floods, the water breaks over the embankment of the cut, and inundates a great extent of low lands. To obviate this difficulty, which not only injures the land, but afflicts the country with sickness, it is necessary to extend the cut, and connect it with the creek where the channel is more capacious, and perhaps to deepen or otherwise enlarge the present work. Proposals have been received for the performance of the contemplated work, on favorable terms; and a contract will be made for its completion the present year.

The foundation of the wings of the lock at Jordan was undermined, and some parts of the masonry were thrown out of their original position. The walls were taken down early last spring, and substantially rebuilt on a more large and secure foundation.

Several of the wooden trunks of the aqueducts are decayed, and must be rebuilt. Their present width will but barely admit of the passage of one boat at a time. This contracted size is not only inconvenient to the navigation, but subjects the aqueducts to continual injury from the impingement of heavy boats. Preparations have been made to rebuild them of such width as will allow boats to pass each other upon them, thereby avoiding the detention which has been heretofore experienced. The foundation of the piers and abutments have been extended, and the masonry is nearly completed, and all the remaining work will be finished before the commencement of navigation.

The dam across the Mohawk river at the head of the Minden feeder, which has been injured by the floods and the ice, has been in part rebuilt, and the whole will be put in good repair the ensuing season.

Arrangements have been made with the Schoharie creek bridge company, to accommodate the navigation with a permanent towing path, to be attached to a bridge now constructing by that company, which, when accomplished, will obviate the impediments that sometimes occur in crossing that stream, and will lessen the annual expense of maintaining a passage over it.

Nearly all the locks on the Erie canal have been furnished with additional culverts and gates, for the purpose of filling and discharging them with greater expedition.

Scales for the weighing of boats have been erected the past season at Syracuse and at West-Troy; and preparations have been made for the erection of another at Utica. They have been preferred to the hydrostatic lock, on account of their greater accuracy and facility.

Agreeably to the provisions of an act of the last session of the legislature, requiring the reconstruction of a lock and waste-weir on the old canal at Rome, that work has been put under contract, and will be completed in the course of the ensuing spring.

The three locks at Fort-Ann, which were laid in common lime mortar, before the discovery of water cement, have so far failed, and given such indications of further failure, as to render it necessary to rebuild them. Materials have been procured, and a contract made for their reconstruction by the 25th of April.

The wooden guard-lock at the head of the feeder at Fort-Edward is decayed and insecure, and one of the abutments of the aqueduct over Fish creek has been undermined. Contracts have been made for the rebuilding and finishing of these works early in April next.

The contractor who had charge of constructing the locks on the Glen's Falls feeder, and of completing the unfinished parts of it, although he entered into his contract on the 2d of August 1826, and was bound to complete the same by the first day of September 1827, had made but little progress previous to the first day of May last, when he declined to proceed farther. The work was re-let, and a new contract made on the fifth day of June, which has been prosecuted with energy. The locks are now all completed, and the whole extent of the feeder, it is expected, will be navigable early next season.

Many of the bridges have been rebuilt, and others are rebuilding, and in all instances of such increased height, and length of string-pieces, as to leave the navigation unobstructed.

The banks, to a considerable extent, on various parts of the canals, have been raised, and secured with a facing of timber or stone; and preparations are now making to secure, before the opening of navigation, those which are most rapidly wearing away.

In the execution of the work mentioned in the preceding statement, in the purchase of materials for the repairs of the present year, and in the payment of lock-tenders, and for ordinary repairs, there has been expended during the last year by the superintendents on the Erie and Champlain canals, the

sum of	$223,900 56
By Henry Seymour, for improvements, damages, allowances on contracts, and payments of accounts,	33,008 25
By William C. Bouck, for improvements, unsettled contracts and damages,	35,404 03
Do on contract for completing Glen's Falls feeder,	20,490 44
Making the total amount of disbursements on the Erie and Champlain canals,	$312,803 28
There has been expended on the Oswego canal towards its construction, by Henry Seymour,	86,579 37
By Orris Hart, superintendent, for repairs and lock-tenders,	8,637 19
On the Cayuga and Seneca canal, by William C. Bouck, towards its construction,	83,334 46
For repairs and lock tending,	1,084 08
And towards constructing a lateral canal to the village of East-Cayuga,	6,500 00
Making the total amount of the expenditures by the canal commissioners and superintendents on all the canals, during the last year,	$498,938 38
In order, however, to give a full view of all the disbursements of the year, growing out of and consequent upon the construction of the canals, it is proper to add the following monies which have been paid by the commissioners of the canal fund, to wit:	
Interest on canal debt,	424,010 15
Salaries of collectors, weigh-masters and inspectors,	36,160 00
Compensation of appraisers,	2,043 00
Allowances to contractors by canal board,	22,509 40
Damages appraised under a special act, to Joseph D. Selden,	6,376 00
Damages to Henry Lieber, for injury to boat and cargo in weigh-lock,	172 29
Tolls refunded,	357 63
Cost of suits,	222 60
Towards constructing Montezuma side-cut,	3,500 00
Survey of canal routes,	460 30
Proprietors of Albany basin, for toll received in 1827,	2,660 27
To Myron Holley, the amount received on sale of property reconveyed to him,	285 00
Printing, stationary, &c.	1,321 70
Incidental expenses of canal board,	271 00
Salaries of two canal commissioners,	3,000 00
	$1,002,287 72

This sum embraces all the expenditures of the last year, in constructing, maintaining, and repairing canals, in payment of interest on the canal debt, and all other charges appertaining to the public works.

The revenue which accrued from the canals, and from the several items which constitute the canal fund, have been as follows, to wit:

Receipts of toll,	$838,412 04
Auction duties, after payment of certain appropriations, estimating the receipt of the last quarter to equal that of the last quarter of the preceding year,	223,687 40
Salt duty, after deducting salaries and expenses of collecting, estimating the receipt of December to equal that of the preceding December,	138,128 36
Interest on money in deposit,	6,908 04
" on stock purchased,	10,676 19
Rent for surplus water,	1,723 00
Payments on sale of land,	13,900 00
	$1,233,435 03

This sum exceeds the total expenditures during the same period, as nearly as it is now practicable to ascertain it, by the sum of *two hundred and thirty-one thousand one hundred and forty-seven dollars and thirty-one cents.*

The receipt of toll falls twenty thousand six hundred and forty-six dollars and forty-four cents short of the receipt of the year 1827. This diminution of toll has been occasioned by the failure of the last year's crop. Wheat is the great staple of the western part of the state, and affords an amount of toll nearly equal to all the other articles which descend the Erie canal. It appears by a statement which has been furnished by Mr. Williams, the collector at Utica, (and which is appended to this report,) of the articles which passed that place in the year 1827 and 1828, that there has been a falling off in the last year of wheat and flour to an amount which is equal to 1,100,000 bushels of the former. This deficit has caused a reduction in the toll which is estimated at $75,000. Had the produce of the crop been in the usual proportion to the quantity of seed sown, there would have been more wheat and flour sent to market than in any former year, and the toll would have probably received an accession of more than one hundred thousand dollars.

It is probable that the failure of the last year's crop of wheat will lessen the quantity sent to market the ensuing year; and as the market is overstocked with many kinds of lumber, a diminished amount of toll may be expected on these articles; and it is believed that the increase of other articles to be transported will not be such as to augment the general amount to any considerable degree; and we therefore estimate the toll of the present year, $870,000

Auction duty,	230,000
Salt duty,	130,000
Payments on land, rent of surplus water, interest on stock purchased and monies in deposit,	30,000
	$1,260,000

The expenditures, for the ensuing year, will fall far short of those of any previous year since the construction of either of the canals, and we estimate them as follows, to wit:

For repairs, improvements and superintendance of the canals,	$200,000 00
Interest on the canal debt,	415,942 75
Payments of damages,	20,000 00
For the unfinished work on the Oswego, and Cayuga and Seneca canals, lateral canals, Glen's Falls feeder, contracts for rebuilding various structures on the Erie and Champlain canals, and for allowances on contracts,	80,000 00
Collection of toll and contingent expenses,	36,000 00
Payments to the proprietors of the Albany basin for toll received in 1828 and 1829,	5,500 00
	$757,442 75

This exhibit shews a balance in favor of the canal fund for the current year of $502,557 25.

The law in relation to the appraisement of damages is defective. It allows the admission of testimony on the part of the claimant, but makes no provision for the procurement of evidence in behalf of the state. And however unworthy of credit the testimony of witnesses may be who appear on the part of the claimant, there are no means provided for counteracting its effects.

Persons will not voluntarily appear to give testimony adverse to the interest of their neighbors, and if they would appear and give evidence on the solicitation of the appraisers, such solicitation would place the appraisers in the invidious situation of acting in the double capacity of parties and judges.

The bad effects of the law are also aggravated by the mode of appeal to the supreme court, which tribunal is bound to award such damages as from the testimony procured, in this *ex parte* manner shall appear to be just.

Cases have occurred in which claimants for damages have been able to procure individuals among their neighbors to estimate the damages, on their oaths, to an amount ten times greater than, in the opinion of the appraisers, founded on their personal observations, was believed to be just and reasonable; and such cases will frequently occur, because it is the interest of the claimant to bring as witnesses, such persons only as will estimate the damages at the highest possible sum.

The original law on the subject of damages which authorised the appraisers to make awards on a personal view and inspection of the damaged property, and on such information as they should deem necessary for a right understanding of the case, appears to us much preferable to the present law.

STEPHEN VAN RENSSELAER,
SAMUEL YOUNG,
HENRY SEYMOUR,
WM. C. BOUCK.

January 26, 1829.

Statement of Tolls collected on all the Canals, in 1828.

Albany,	$164,200 74	
West-Troy,	86,553 91	
Schenectady,	30,506 07	
Little-Falls,	9,490 70	
Utica,	48,902 92	
Rome,	24,886 70	
Syracuse,	56,411 58	
Port Byron,	82,209 95	
Lyons,	27,123 30	
Palmyra,	53,769 19	
Rochester,	95,963 28	
Brockport,	8,537 09	
Albion,	11,709 17	
Lockport,	13,508 10	
Black Rock,	1,487 53	
Buffalo,	32,189 08	
Total Erie canal,		$747,399 31
Waterford,	14,210 62	
S. Sloop Lock,	789 86	
Fort Edward,	13,313 48	
Whitehall,	59,661 40	
Total Champlain canal,		87,975 36

Carried forward....

Brought forward.....		
Salina, ...	2,071 95	
Oswego, ...	685 72	
Total Oswego canal, ...		2,757 67
Cayuga, N. B.....	279 70	
Total Cayuga and Seneca canal, ...		279 70
		$838,412 04

Statement of the Amount of Property which passed Utica on the Erie canal, during the years 1827 *and* 1828.

Articles.		1827.	1828.	Increase.	Decrease
Domestic spirits,	galls.	2170,077 .	2,504,524 .	334,447 .	
Sawed lumber,	feet.	16,228,322 .	22,066,603 .	5,838,281 .	
Timber,.....	"	160,483 .	242,833 .	81,350 .	
Shingles, ...	"	8,780,000 .	36,582,000 .	27,802,000 .	
Staves, ...	"	4,684,882 .	11,006,100 .	6,371,218 .	
Wheat,.....	bush.	1,290,552 .	554,768 .	..... .	735,784
Coarse grain, ...	"	185,534 .	122,896 .	..... .	62,638
Flaxseed, ...	"	1,050 .	614 .	..... .	436
Peas and beans,...	"	5,262 .	8,170 .	2,918 .	
Flour, ...	bbls.	422,321 .	348,565 .	..... .	73,756
Provisions, ...	"	54,123 .	61,350 .	7,218 .	
Salt, ...	"	36,713 .	62,921 .	26,208 .	
Ashes, ...	"	20,159 .	16,259 .	..... .	3,900
Kelp,.....	"	514 .	166 .	..... .	348
Oil, ...	"	152 .	427 .	275 .	
Lime,.....	"	8,612 .	7,299 .	..... .	1,313
Beer, ...	"	676 .	1,770 .	1,094 .	
Grass seed, ...	tons.	117 .	140 .	23 .	
Wool, ...	"	124 .	201 .	77 .	
Gypsum, ...	"	1,847 .	930 .	..... .	917
Clay, ...	"	354 .	554 .	200 .	
Stone,.....	"	7,669 .	15,257 .	7,588 .	
Cheese, ...	"	362 .	529 .	167 .	
Butter and lard, ...	"	864 .	1,055 .	191 .	
Hops, ...	"	367 .	212 .	..... .	155
Fur and peltry, ...	"	83 .	86 .	3 .	
Tallow, ...	"	..... .	106 .	.	
Buhr stone, ...	"	..... .	322 .	.	
Household furniture,	"	1,442 .	2,530 .	1,088 .	
Merchandize, ...	"	24,439 .	33,338 .	7,217 .	
Wood, ...	cords.	..... .	6,207 .	.	

The number of tons estimated for the year 1827, ...	194,091
" " " " 1828, ...	214,110

From the 29th March last, to the 18th day of December, 12,667 boats and rafts were entered, 2,675 of which were packet and empty freight boats; the remainder, 9,992, conveyed the articles specified.

During the year 1828, there were conveyed on the canals to the city of Albany,

Feet boards, plank and scantling, ...	36,802,944
M. shingles,.....	18,161
Feet timber,.....	50,592
Cords wood for fuel, ...	20,615

Besides various articles upon which toll is charged per ton, amounting in the aggregate to ninety-three thousand one hundred tons, consisting in part of the following articles:

Bushels wheat, ...	286,432
" barley, ...	165,848
" corn, rye and oats,.....	41,641
" peas and beans,.....	9,651
Barrels flour, ...	270,836
" beef and pork, ...	40,258
" whiskey,.....	33,764
" lime and cement, ...	17,355
" ashes, ...	13,427
Bushels coarse salt,.....	27,786
Hogsheads whiskey, ...	4,256
Boxes glass,.....	9,648

The quantity of merchandize and household furniture transported on the canals *from* the city of Albany, was thirty-two thousand five hundred and six tons. The number of canal boats that arrived at and departed from Albany, during the year 1828, was *fourteen thousand four hundred and seventy-eight;* and the amount of toll paid at the collector's office in Albany, $164,248.

Account of Property cleared outward at West-Troy, in the year 1828.

	Tons.	cwt.
Merchandize, ...	15,516	03
Furniture, ...	451	11
Furs and peltry,.....	35	06
Stone, ...	159	00
Cotton, ...	159	08
Clay, ...	105	00
Brick and sand, ...	44	00
Wool, ...	1	12
Hops, ...	1	18
Gypsum, ...	4	00
Scrap Iron, ...	1	00
Butter and lard, ...	17	10
Cheese, ...	1	02
Staves, ...	20	00
Clover seed,.....	1	10
Sundries, ...	369	05
	16,888	05

Barrels salt,.....	8,682
" Provisions, ...	959
" Flour,.....	2,806
" Lime, ...	114
" Beer, ...	49
	12,610

Bushels grain, ...	35
" Peas and beans, ...	11
	46

An Account of Property passing to Troy, through the Side-Cut, in the year 1828.

	Tons.	cwt.
Staves,	3,838	00
Butter and lard,	326	02
Cheese,	258	07
Wool,	135	05
Iron,	28	15
Hops,	27	12
Stone,	861	00
Furniture,	37	16
Furs and peltry,	11	17
Sand and bricks,	109	00
Sundries,	1,189	09
Total number of tons,	6,823	03

Barrels flour,	57,705
" Beef and pork,	11,460
" Ashes,	3,345
" Cider,	216
" Oil,	127
Salt,	12,553
Lime,	4,301
Beer,	251
Total number of barrels,	90,258

Bushels wheat,	263,705
" Coarse grain,	59,058
" Peas and beans,	1,618
" Grass seed,	256
Total number of bushels,	324,637

M. shingles,	5,859
C. feet timber,	100,131
Feet lumber,	11,116,140
Gallons domestic spirits,	698,567
Cords wood,	3,109
Boxes glass,	651

Ordered, That the said report be referred to the committee on canals and internal improvements.

Ordered, That double the usual number of copies of the said report, in a pamphlet form, be printed for the use of the legislature.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Company of Moa;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Titus, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That the usual number of copies of the said bill, report and petition, be printed for the use of the legislature.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate the Seamen's Bank for savings in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mathews, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it

was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Holdridge, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Canajoharie and Sharon turnpike company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Austin, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to reduce the number of trustees of Franklin academy in the county of Chautauque:" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mallory, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act relative to the Brooklyn Savings Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

And then the House adjourned until eleven o'clock to-morrow morning.

TUESDAY, JANUARY 27, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the fourth ward of the city of Albany, praying relief from certain alleged grievances in the assessment of taxes, was read, and referred to the committee on the judiciary.

The petition of the trustees of the Steuben academy, praying pecuniary relief from the state, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Ossian in the county of Allegany, praying that the said town may be annexed to the county of Livingston, was read, and referred to the committee on the erection and division of towns and counties.

The petition of John Servoss of the town of Florida in the county of Montgomery, one of the heirs at law of Christopher Servoss deceased, praying to be remunerated for certain personal property sold by, and converted to the use of the state during the revolutionary war, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the towns of Portland and Ripley in the county of Chautauque, praying for the passage of a law to authorise the erection of a new town from parts of said towns, by the name of Westfield, was read, and referred to the commitee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Cayuga, praying for an act of incorporation for the purpose of constructing a rail road from the village of Auburn to Port Byron on the Erie canal, was read, and referred to the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies.

The petition of Hoel Stephens, administrator, and Betsey Hurlburt, administratrix, of the estate of Ashbel Hurlburt deceased, praying for the passage of a law to authorise the sale of certain lands for the benefit of the minor heirs of said Ashbel Hurlburt, was read and referred to the committee on the judiciary.

The petition of Robert Shearer, an alien, praying for the passage of an act authorising him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The memorial of sundry incorporated societies in the city of New-York, praying for the passage of an act directing that the fund called state hospital money be applied to the purpose for which it was originally intended, was read, and referred to a select committee consisting of Mr. Dyckman, Mr. Arnold and Mr. Myers.

The petition of the Beaver manufacturing company, of the town of Kinderhook, praying for a loan of $15,000 from the state, was read, and referred to the committee on grievances.

The memorial of a convention of delegates from the counties interested in the construction of the Black-River canal, praying for the passage of an act authorising the construction of a canal from Rome to the navigable waters of the Black-River, was read, and referred to the committee on canals and internal improvements.

The petition of the supervisors of the county of Tioga, praying for the passage of an act authorising the building of two county poor houses in said county, was read, and referred to a select committee, consisting of Mr. Baragar, Mr. C. Baker and Mr. Dean.

The petition of Wessel and George Ten Broeck, praying remuneration for damages alleged to have been sustained in the construction of the Cayuga turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Jefferson, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to continue in force the act authorising Russell Atwater and his associates to erect a toll bridge over the Black River;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, on the petition of the Bakers' benefit society of New-York, praying for an act of incorporation, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis according to leave, brought in the said bill, entitled "An act to incorporate the Bakers' benefit society of the city of New-York," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on courts of justice, to which was referred the petition of Felix D. Fitzsimmons and Ann McManus, reported:

That the petitioners represent that a large estate whereof Felix Fitzsimmons, a naturalized citizen lately died seized, has escheated to this state in consequence of the alienage of his heirs: That the nearest surviving relatives of the said Felix Fitzsimmons are three brothers and one sister, and the children of a deceased brother, and of a deceased sister: That the petitioner, Felix D. Fitzsimmons is a son of the deceased brother, and the petitioner Ann McManus a daughter of the deceased sister: That they have resided nearly ten years in this state, but have not yet been naturalized: That one of the brothers of the deceased resides in this state, and all of the other relatives are aliens residing in foreign countries. And the petitioners request that they may be authorised to take such interest in the estate of their deceased uncle as they would have done had they been naturalized citizens at the time of his death; and that a similar privilege may be extended to the other relatives of the said Felix Fitzsimmons deceased.

If the said estate had escheated, your committee think it very impolitic to vest any part thereof in aliens resident abroad. But the committee have not found any satisfactory evidence that the property has escheated. On the contrary, it appears probable that the brother of the said deceased, who resides in this state, had been naturalized before the death of the said Felix Fitzsimmons, in which case the inheritance must have vested in him as the heir at law, and cannot be divested by any act of the legislature. The committee therefore deem it improper to interfere in the business, and have directed their chairman to introduce the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Thereupon,

Resolved, That this house do agree with the committee in their preceding resolution.

Mr. Dayton, from the select committee to which was referred the engrossed bill from the senate, entitled "An act concerning the marine insurance in the state of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Edgerton, from the select committee to which was referred the petition of sundry inhabitants of the town of Saranac in the county of Clinton, reported:

On the part of the petitioners, it is alleged that there is in the poor chest of said town the sum of about three hundred dollars, which is entirely useless in consequence of a resolution which was passed by the board of supervisors of the county, abolishing the distinction between town and county poor, at their last annual meeting. The petitioners farther state, that the sum which is re-

ceived by the said town for the support of common schools in said town, is not sufficient to keep a school in the several school districts one fourth part of the year. The petitioners therefore pray that a law may be passed, authorising the overseers of the poor for said town to pay over the said sum to the commissioners of common schools of the town, for the use of said schools: which request the committee think is reasonable, and that the prayer of the petitioners ought to be granted. They have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Edgerton according to leave, brought in the said bill, entitled "An act to authorise the overseers of the poor of the town of Saranac to pay over certain monies to the commissioners of common schools of said town," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Phœnix, from the select committee to which was referred the petition of Martin B. Young and others, praying for leave to construct a dam across the Canisteo river, reported:

That the petitioners set forth that Martin B. Young, one of their number, is desirous to erect mills on the Canisteo river, on lot number ninety-seven, in the town of Addison. To conduct a supply of water to propel such mills, a dam across said river is necessary, and that the erection of mills in that neighborhood would be of essential public utility. The committee are of opinion that a dam may be so constructed across said river, as not to impede the navigation, and conclude that the prayer of the petitioners is reasonable and ought to be granted. They have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Phœnix, according to leave, brought in the said bill, entitled "An act authorising Martin B. Young to construct a dam across the Canisteo river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Johnson asked for and obtained leave to bring in a bill entitled "An act authorising the commissioners of loans of the county of Oneida to sell certain lands;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Skinner asked for and obtained leave to bring in a bill entitled "An act relative to Middlebury academy in the county of Genesee;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to reduce the number of trustees of the Fredonia academy in the county of Chautauque;" the report being that the committee had gone through the said bill, and agreed to the same without amendment.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

On motion of Mr. Arnold,

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and that the same be referred to a select committee, consisting of Mr. Arnold, Mr. Bradish and Mr. Brinkerhoff.

On motion of Mr. Edgerton,

Ordered, That the committee on privileges and elections be discharged from the further consideration of the petition of the supervisors of the county of Tioga, relative to the meetings of the board of county canvassers of said coun-

ty; and that the same be referred to a select committee, consisting of the members attending this house from the county of Tioga.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome," and the engrossed bill entitled "An act to incorporate the Canajoharie and Sharon turnpike company;" and that the said bills are correctly engrossed.

Thereupon,

The said engrossed bill, entitled "An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to incorporate the Canajoharie and Sharon turnpike company," was read the third time.

Ordered, That the said bill be laid upon the table.

The engrossed bill from the Senate, entitled "An act relative to the Brooklyn Savings Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	102
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Ives	Mr. Seeley
Mr. Allison	Mr. Efner	Mr. Jenkins	Mr. Sheppard
Mr. Arnold	Mr. Eldridge	Mr. Johnson	Mr. Skinner
Mr. Austin	Mr. Evans	Mr. Jones	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Judd	Mr. H. D. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Keith	Mr. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. T. L. Smith
Mr. Baragar	Mr. Fowler	Mr. C. L. Livingston	Mr. Soper
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. Speaker
Mr. Boynton	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bradish	Mr. Garbutt	Mr. Mathews	Mr. Starr
Mr. Brinkerhoff	Mr. Gardiner	Mr. M'Crea	Mr. Tabor
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Burt	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Cargill	Mr. Gosman	Mr. Morell	Mr. Titus
Mr. Carley	Mr. Graves	Mr. Myers	Mr. Tower
Mr. Carrier	Mr. J. Hall	Mr. Nicholas	Mr. J. Van Beuren
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Collier	Mr. Hammond	Mr. Norton	Mr. Van Wyck
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Dana	Mr. Hedges	Mr. Phoenix	Mr. Waugh
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Wheeler
Mr. Defreest	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Dickson	Mr. Hubbard	Mr. Savage	Mr. Williamson
Mr. Dyckman	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Hynds		

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Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Seamen's Bank for savings in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Ives	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Jenkins	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Johnson	Mr. A. Smith
Mr. Arnold	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. Austin	Mr. Falley	Mr. Judd	Mr. L. Smith
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Starr
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Tailor
Mr. Brown	Mr. Gosman	Mr. Morell	Mr. Teller
Mr. Burt	Mr. Graham	Mr. Myers	Mr. Titus
Mr. Cargill	Mr. J. Hall	Mr. Nicholas	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. J. Van Buren
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hascall	Mr. Phoenix	Mr. Van Wyck
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Waugh
Mr. Curtiss	Mr. Hedges	Mr. Sanford	Mr. Wheeler
Mr. Dana	Mr. Holdridge	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Hubbard	Mr. Scott	Mr. Williams
Mr. Defreest	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Dickson	Mr. Hynds	Mr. Sheppard	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Pursuant to the act entitled "An act regulating the time and manner of electing general state officers, justices of the peace, and prescribing the number of coroners to be elected in each county by the people," and agreeably to the concurrent resolution of the Senate and Assembly of the 26th instant, the house proceeded to nominate an attorney-general; when each member present openly nominated as follows:

For Greene C. Bronson.

Mr. Al Burtis	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Allison	Mr. Dyckman	Mr. Jones	Mr. Sloughter
Mr. Armstrong	Mr. Dygert	Mr. Judd	Mr. A. Smith
Mr. Arnold	Mr. Efner	Mr. Keith	Mr. L. Smith
Mr. Austin	Mr. Eldridge	Mr. Lindsley	Mr. T. L. Smith
Mr. Bacon	Mr. Falley	Mr. C. L. Livingston	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Bogert	Mr. W. K. Fuller	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. Gosman	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Graham	Mr. J. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Graves	Mr. W. M'Donald	Mr. Titus
Mr. Brown	Mr. J. Hall	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. W. Hall	Mr. Morell	Mr. J. Van Beuren

Mr. Cargill	Mr. Hammond	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. Hedges	Mr. Noble	Mr. Van Wyck
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. Holdridge	Mr. Randall	Mr. Wheeler
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Dayton	Mr. Ives		86

For Samuel M. Hopkins.

Mr. Bailey	Mr. Garbutt	Mr. Hubbell	Mr. Sheppard
Mr. Carley	Mr. Garnsey	Mr. Mixer	Mr. Starr
Mr. Dickson	Mr. Goodman	Mr. Nicholas	Mr. Waring
Mr. Evans	Mr. Gross	Mr. Norton	Mr. Willey
Mr. Fillmore	Mr. Hascall	Mr. Partridge	Mr. Williams
Mr. P. C. Fuller	Mr. Hazeltine	Mr. Scott	23

For Benjamin F. Butler.

Mr. Curtiss	Mr. Skinner	2

Thereupon,

On motion of Mr. Mann,

Resolved, That Greene C. Bronson, of the county of Oneida, be, and he is hereby nominated on the part of this house for the office of attorney-general of this state.

The house then proceeded to nominate a comptroller; when each person present openly nominated as follows:

For Silas Wright, Junior.

Mr. Al Burtis	Mr. Dyckman	Mr. Ives	Mr. Skinner
Mr. Alison	Mr. Dygert	Mr. Jenkins	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Jones	Mr. A. Smith
Mr. Arnold	Mr. Efner	Mr. Judd	Mr. L. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. Mann	Mr. Tabor
Mr. Brinkerhoff	Mr. Gosman	Mr. Mathews	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. M'Crea	Mr. Teller
Mr. Burt	Mr. Graves	Mr. W. M'Donald	Mr. Titus
Mr. Cargill	Mr. J. Hall	Mr. M'Niel	Mr. Tower
Mr. Carrier	Mr. W. Hall	Mr. Morell	Mr. J. Van Beuren
Mr. Chandler	Mr. Hammond	Mr Myers	Mr. Vanderbilt
Mr. Collier	Mr. Hedges	Mr. Noble	Mr. Van Wyck
Mr. Curtiss	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Dayton	Mr. Hynds	Mr. Seeley	83

For Gamaliel H. Barstow.

Mr. Bailey	Mr. P. C. Fuller	Mr. Holdridge	Mr. Scott
Mr. Carley	Mr. Garbutt	Mr. J. M'Donald	Mr. Sheppard
Mr. Defreest	Mr. Garnsey	Mr. Mixer	Mr. Waring
Mr. Dickson	Mr. Goodman	Mr. Nicholas	Mr. Wheeler
Mr. Evans	Mr. Hascall	Mr. Norton	Mr. Willey
Mr. Fillmore	Mr. Hazeltine	Mr. Partridge	Mr. Williams 24

FOR GEORGE HUNTINGTON.

Mr. Bacon	Mr. Johnson	2

FOR CHARLES DAYAN.

Mr. Bradish	1

FOR JABEZ D. HAMMOND.

Mr. Gross	1

FOR NATHANIEL PITCHER.

Mr. Starr	1

Thereupon,

On motion of Mr. Savage,

Resolved, That Silas Wright junior, of the county of St. Lawrence, be, and he is hereby nominated on the part of this house for the office of comptroller of this state.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur herein,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their nominations of a comptroller and attorney-general of this state.

Thereupon,

Resolved, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their said nominations.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

The Senate accordingly attended in the Assembly chamber; and having withdrawn, Mr. Speaker informed the house, that on comparing the nominations of the Senate and Assembly, they were found to agree in the names of Greene C. Bronson for the office of attorney-general, and Silas Wright junior, for the office of comptroller.

Thereupon,

On motion of Mr. Mann,

Resolved, That Greene C. Bronson, of the county of Oneida, be, and he is hereby declared to be duly appointed attorney-general of this state.

On motion of Mr. Savage,

Resolved, That Silas Wright junior, of the county of St. Lawrence, be, and he is hereby declared to be duly appointed comptroller of this state.

A communication from the canal appraisers was read in the words following, to wit:

The canal appraisers to whom were referred the petition of Elijah Butterfield and others, the petition of Lyman Littlefield and others, the petition of Daniel Payn and others, the petition of Samuel T. Shepherd and others, and the petition of Samuel Lewis and others, in obedience to the directions of the honorable the Assembly, respectfully report:

That they have examined the said several petitions: That as respects the two first above mentioned, the petitioners therein named represent, that the lands therein referred to have been injured in consequence of the surplus water, which has been thrown on them from the Champlain canal. That last summer we were called upon to estimate and appraise the damages which the petitioners alleged they had sustained by means thereof; but in as much as no lands, waters, or streams of the petitioners had been directly appropriated by the canal commissioners to the use of the canal, we came to the conclusion that by the 46th section, third article, ninth title and ninth chapter of the revised laws, which commenced and took effect on the first day of January, 1828, we had no power or authority granted to us to give relief to the petitioners in relation to the subject matter of those petitions.

By the 45th section aforesaid it is made the duty of the said appraisers, that when any lands, waters or streams, are appropriated by the canal commmissioners to the use of the public, to make a just and equitable estimate and appraisment of the damages and benefits resulting to the persons interested in the premises so appropriated from the construction of the work, for the purpose of making which, such premises shall have been taken. It seemed to the appraisers, that by virtue of this section, no power was directly given to them to estimate and appraise the damages alleged to have been sustained by the petitioners, and that they had no right to assume a power to act in those cases by inference or implication. By the act of the 48th session of the legislature, chapter 275, section first, passed April 20th, 1825, it was made the duty of the said appraisers to assess and appraise all unsettled claims for damages which any persons had sustained by means of either the Erie or Champlain canals, or any work connected therewith, &c. By this law very extensive powers were given to the appraisers in relation to the damages occasioned by the Erie or Champlain canals, or the works in any way connected therewith. We therefore came to the conclusion that the legislature, by the 46th section of the revised act aforesaid, intended to and did limit and abridge the powers of the appraisers as they existed under the act of the 20th of April, 1825, and again by the 52d section of the revised statute aforesaid, "The fee simple of all premises so appropriated in relation to which such estimate and appraisement shall have been made and recorded, shall be vested in the people of this state." The 50th and 51st sections of the same act directs the manner in which such title shall be perfected. The appraisers are of opinion that by no construction which can be given to the 46th section of the revised act aforesaid, can a conclusion be arrived at, by which the title to all the lands which have been injured in consequence of the canals should be vested in the people of this state, but that the true intent and meaning of the legislature, when they passed that act, was in our opinion, as the terms of the act indicate, to vest the title of those lands only in the people of this state, which was necessary to be taken for the direct and immediate construction of the canals. Much of the damages claimed by alleged injuries to lands have been produced by letting off the surplus waters at waste weirs, and by water passing off from the canals over and under the adjacent lands, and settling on low and level lands at various distances from the canals.

Alleged injuries have sometimes been sustained by the canal's breaking and letting the water off—thereby cutting wide and deep ravines through farms, and carrying and spreading earth for considerable distances on to the low lands below. Those pieces of lands alleged to have been injured are of different sizes and of various dimensions, and frequently situated in the middle of farms to which, notwithstanding the alleged injury, they are useful for the convenient management of those farms. And should the owners of the farms be divested of the title to those detached pieces of land, which are frequently located in different parts of the same farm, the remaining parts of those farms would be, in most cases, much reduced in value. And should the title to those pieces of land be vested in the people of this state, from their detached and insular situations would be of little or no value to them. We are therefore of opinion, in every point of view, that the petitioners can have no redress under any law now in existence.

The appraisers further report, that they have had the other three petitions under consideration. That the damages the petitioners therein named allege they have sustained, have been accasioned by the dam at Fort Miller across the Hudson river, by means whereof the water of the river is raised and set back so as to produce the alleged injury. That in the summer and autumn of 1825, we examined the cases of the petitioners. At that time it was expected that the new canal from Fort Edward to Fort Miller would be completed in the year 1826, after which time the said dam would no longer be of any use to the state, and that it would then be taken away, unless an arrangement could be made between the canal commissioners and the mill owners on the said dam, so as to indemnify the state against any damages which might be thereafter

produced by keeping it up. In the winter of 1826 we acted and passed on the claims of most of the petitioners, to some of whom we awarded damages; and as to others of the said petitioners, we decided that the benefits and advantages resulting to them from the canal, were at least equal to loss and damage occasioned to them thereby. That those decisions were made with the express understanding, that the said dam should be taken away, as aforesaid, by means whereof it was supposed the alleged injuries would cease, or that the said mill owners would pay and satisfy the petitioners any damages they might thereafter sustain by means of keeping up the said dam. Last summer we were called upon by some of the petitioners to estimate and appraise the damages which they alleged they had sustained in consequence of continuing the said dam. We then decided that we were not authorised by any law now in existence, to take cognizance of those cases. And inasmuch as the claims of the last mentioned petitioners must be governed by the same principles which govern those of the petitioners first above mentioned, we are therefore of opinion that the petitioners cannot have relief by any existing law of this state.—All which is respectfully submitted.

JOSEPH D. SELDEN.
DAVID WOODS.

Dated 26th January, 1829.

Ordered, That the several petitions, together with the said communication, be referred to the committee on claims.

A communication from the canal commissioners was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK:

The canal commissioners, in obedience to the 3d section of an act entitled "An act to provide for the improvement of the navigation of the Hudson river," passed April 16th, 1827, respectfully report:

That in compliance with the 2d section of said act, security has been given to the Comptroller by the corporation of the city of Albany, for the payment of three thousand dollars; by the corporation of the city of Troy, for the payment of a like sum; and by the trustees of the villages of Lansingburgh and Waterford, for the payment of one thousand dollars, to be applied to the objects specified in said section.

After the above security was given to the Comptroller, contracts were made for the construction of a dredging machine, with all the apparatus necessary to work the same; and the whole was completed, so as to be put in operation in the month of June last.

The excavating machinery, with its appendages, consists of a large dredging machine with two setts of buckets, propelled by a steam engine of seventeen horse power; four large scows for receiving the contents of the excavation; and a large tow-boat with an engine of seventeen horse power, for towing the machine and scows; which were constructed under the inspection and supervision of a committee of three gentlemen, appointed by the cities of Albany and Troy, to wit: Joseph Alexander, Israel Smith and Townsend McCoun, Esquires, who diligently bestowed their time and attention to this subject without compensation.

For the aforesaid objects, the said committee have rendered an account of expenditures amounting to fourteen thousand dollars, being the amount of the appropriation, and which accounts have been approved by the Comptroller. By a reference to their report, (which is herewith submitted,) it will be seen that the cost of the machinery and apparatus has exceeded the appropriation by the sum of one thousand four hundred and twenty-six dollars and twenty-seven cents, which has been advanced by citizens of Albany.

Capt. Eliakim Ford, who was recommended by citizens of Albany, was appointed to superintend the operations of the dredging machine below the city,

and commenced at the overslaugh, which presented the greatest obstructions to the navigation.

In pursuance of our directions, he excavated in a line with the thread of the stream, and, according to his report, he succeeded in making a channel through the lower overslaugh, of fifteen hundred and twenty-five feet in length, by one hundred and sixty feet in width, and ten feet in depth; and a like channel through Buckimplat's bar, of fourteen hundred and ninety feet in length, by one hundred and twenty feet in width, and of equal depth with the former. In performing this work, he was engaged seventy-six and a half days, during which time one thousand seven hundred and twenty-two scow loads, containing an average of twenty-four cubic yards of mud, sand and gravel, was excavated, and deposited in such a situation, as to be in no danger of being again washed into the channel.

By a reference to the annexed certificate, signed by many of the masters of vessels navigating the Hudson river, it will be seen that the effect produced on said bars, has been such as to enable, during the latter part of the past season, all the larger class of steam-boats and eastern vessels to pass through at all times, without detention or the expense of lighters.

In accomplishing the aforesaid work, the corporation of the city of Albany have expended four thousand dollars, which is one thousand dollars more than was required under the provisions of the act.

There now remains a distance of about fifteen hundred feet to be excavated, through Cuyler's bar, in a line with the new channel, to bring the depth of ten feet of water to the Albany pier.

From personal observations, as well as from the opinion of practical men and experienced masters and pilots in the river navigation, we entertain a favorable opinion of the efficacy of this mode of improving the navigation.

The channel being excavated in the thread of the stream, and parallel with the current, will constantly be swept by a moving volume of water, so as, in our opinion, to prevent any material accumulation of alluvial deposit; and the only serious difficulty which we think may be ever apprehended, will arise from the damming up of the ice upon the islands, on the breaking up of the river, by which the natural course of the current may be diverted and thrown diagonally across the excavated channels, which may thereby be partially or wholly filled with alluvion.

To what extent, if any, injuries of this kind may occur, future experience alone must determine.

SAMUEL YOUNG,
HENRY SEYMOUR,
WILLIAM C. BOUCK.

January 27th, 1829.

To the Honorable the Canal Commissioners.

GENTLEMEN,

The subscribers, together with Townsend M'Coun, of Troy, having been appointed by your board, agents to construct a steam dredging machine, and the necessary apparatus for working it, under a law passed April 16, 1827, proceeded to build one dredging machine containing a steam engine of 17 horse power; one towing boat with an engine of like power, and four large mud scows. The boats and scows are all built of the best materials, and in the most substantial manner, and the engines prove to be of the first order.—But, notwithstanding the utmost attention has been paid to economy in their construction, the first cost of them all exceeded the appropriation made by the legislature, the sum of $790.47. And on starting the engine, it was found that the motion of the machinery was much too quick; so that it became necessary to alter a considerable part of the running geer in order to graduate its movement. This has caused an additional expense of $635.80; which, with the excess in the first cost, and the purchase of the necessary tools and furniture, forms an aggregate of debt against the dredging machine of $1,426.27. When the want of experience is considered, and also that it became necessary to make

an additional boat and engine for towing the mud scows, not contemplated when the law was passed, we trust it will not be deemed extraordinary that the amount of expenditure has somewhat exceeded the estimate.

The expenses of working the dredging machine have overrun the estimate for that purpose in a much greater proportion than the cost of building. These expenses are, by the present law, all payable by the cities of Albany and Troy, and the villages of Lansingburgh and Waterford, and constitute a heavy tax. The amount paid by Albany alone for only 76½ days last summer, being nearly $4,000. When the advantages of an improved navigation to the state at large, but especially to that part of it connected with the canals is taken into account, it is believed that the legislature will not hesitate to make provision by a new appropriation for the payment of the debt owing by the dredging machine, and also for its future operations.

We have great satisfaction in stating to the canal commissioners, that the operations of the dredge have been more favorable even than we had contemplated. And we subjoin for their information, a statement taken at the close of the season, from an account rendered by Capt. Ford, the superintendent, appointed by Mr. Bouck; and also a certificate as to the effect of the operations on the navigation of the river signed by a number of captains of steam-boats and other vessels.

All of which is respectfully submitted,

JOSEPH ALEXANDER,
ISRAEL SMITH.

Albany, January 23, 1829.

We the subscribers, masters and commanders of vessels and steam-boats navigating the Hudson river, do certify, that previous to the operation of the steam dredging machine on the Overslaugh and Buckimplat bars, and during the low water in the summer, it was very common to get our vessels aground on those bars, and that many times we have been detained on that account for several days at a time; but that since the channel has been opened by the steam dredging machine, although the water in the river has been uncommonly low, we have passed and repassed those bars without difficulty and without any expense for lighterage, which we were before subjected to.

Robert G. Cruttenden, Capt. steam-boat Constellation.
Joseph Brown, sloop Eclipse.
N. V. Gardiner, sloop Gen. Batty.
Barnum Whipple, sloop Perseverance.
William Ingraham, schooner Visscher of Boston.
Richard Gurney, sloop Eagle of Rochester.
David Hall, schooner Betsey, Plymouth.
Joseph H. Prindle, sloop Navonne of Bridgeport.
George Post, sloop Falcon, Say-Brook, Conn.
Samuel F. Richards, sloop Young Barber, Norwalk.
J. Williams, sloop Teazer, Norwich.
John Barton, sloop Grey-Hound, N. York.
Joseph Spelman, sloop Charles of Providence.
Pierre Jarvis, New-York, sloop Superior.
William H. Allen, sloop Fame of Hudson.
Henry Gibbs, 2d. sloop Avon, Somerset.
George Ramsey, sloop Caravan of Saugatuck.
Selleck Whitney, sloop Goldhunter, Albany.
Nicholas Page, sloop Oneida Chief, do.
James Utter, S. Van Rensselaer, do.
Jehiel Knapp, sloop Hamilton, do.
S. A. Gifford, sloop Alice, Nantucket.
W. Ramon, sloop Niagara, Chatham, Conn.
A. Matson, schooner Grecian of Boston.
G. Baker, sloop Contractor, Troy.

S. Parsons, sloop George Washington, Albany.
Charles Seymour, steam-boat Commerce, do.
James Benson, steam-boat New-Philadelphia.
William Haggerty, sloop Ransom.
W. Gillespie, sloop Gen. Trotter.
Benjamin C. Brainard, sloop Ohio, Albany.
Robert Brown, sloop Utica, do.
George Monteath, sloop Commerce.
William Coughtry, sloop Herald, Albany.
Daniel Attwood, schooner Henry, Boston.
Joseph Mather, sloop Detroit, Albany.
L. W. Brainard, sloop Canal, do.
Thomas Wiswall, steam-boat De Witt Clinton, do.
Samuel Schuyler, sloop Favorite, do.
Charles S. Olmsted, sloop De Witt Clinton, do.
John L. Hyatt, sloop Erie, do.
P. Houghtaling, sloop Governor, do.
H. Knapp, sloop Syren.
Isaac Hoase, sloop Shepherdess.
William Ostrander, sloop Eclipse.
Martin Deming, sloop Rochester.
Thomas James, sloop Merchant.

Ordered, That the said report be referred to the committee on canals and internal improvements, and that the usual number of copies of the same be printed for the use of the legislature.

A communication from the comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, January 26th, 1829.

SIR—

I have the honor herewith to transmit to you, a report made pursuant to the provisions of the law relative to the canals, containing an account of the expenditures on the said canals for the last year.

I am, with great respect,
Your obedient servant,
W. L. MARCY.

Hon. PETER ROBINSON,
Speaker of the Assembly.

[*For this Report, see* Appendix B.]

Ordered, That the said communication be referred to the committee on canals and internal improvements, and that the usual number of copies of the same be printed for the use of the legislature.

A communication from the comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, January 27, 1829.

SIR—

I have the honor to transmit, enclosed herein, a report made pursuant to the 10th section, title 1, chapter 9, of the first part of the Revised Statutes.

I am, with great respect,
Your obedient servant,
W. L. MARCY.

To the Hon. PETER ROBINSON.

STATE OF NEW-YORK,
COMPTROLLER'S OFFICE.

The Comptroller, in obedience to the 10th section of title 1 of Chapter 9 of the Revised Statutes, first part, requiring him to report to the legislature the names of the clerks employed by him, and the amount paid to each, respectfully reports:

That the following are their names, and the sums allowed and paid to each for their services.

Ebenezer Watson, from 1 Jan. 1828, to 1 Jan. 1829,			.....	$775 00
William Beatty,	do	do	.....	712 50
John Nugent,	do	do	.....	593 75
James Wilson,	do	do	.....	568 75
Philip Phelps, from 1 Jan. to 21 Aug. 1828,			.....	461 25
George W. Newell, from 1 Jan. 1828 to 1 Jan. 1829,			.....	560 00
Louis De Witt,	do	do	.....	490 00
Homer R. Phelps,	do	do	.....	500 00
Henry S. Mead, from 1 Jan. to 8 May 1828,			.....	186 50
John T. Vernor, from 1 Jan. 1828, to 1 Jan. 1829,			.....	480 00
Jonathan E. Robinson,	do	do	.....	446 25
Vernor Cuyler, from 22d Jan. to 22d March 1828,			.....	50 00
James G. Gregory, from 1 Jan. to 1 June 1828,			.....	$45 00
James Gough,			.....	124 50
Charles Bryan, from 1 Jan. 1828, to 1 Jan. 1829,			.....	438 75
Isaiah L. Weaver, from 23 Aug. to 1 Jan. 1829,			.....	50 00
John Cuyler, from 10 June 1828, to 1 Jan. 1829,			.....	212 00
				$6,694 25

W. L. MARCY, *Comptroller.*

January 27th, 1829.

Ordered, That the same be laid upon the table.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A communication from the comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, 27*th Jannary*, 1829.

SIR—

I have the honor to transmit herewith, to the honorable the Assembly, a report, made in obedience to their resolution relative to the Delaware and Hudson canal company.

I am, with great respect,
Your ob't. serv't.
W. L. MARCY.

Hon. PETER ROBINSON,
Speaker of the Assembly.

The Comptroller, in obedience to a resolution of the honorable the Assembly, of the 15th instant, requesting him to report to that house, "the proceedings which have taken place under the act entitled 'An act to loan the credit of the people of the state of New-York, to the president, managers and company of the Delaware and Hudson canal company, and for other purposes,' passed March 10th, 1827; the amount of stock issued in pursuance of the said act; the time and manner in which the same has been issued; the price at which it has been sold, and if at a premium, the amount of such premium, and the manner in which the same has been applied; the nature and extent of the security given to the state by the said company, for the faithful redemption of

the said stock, agreeably to its conditions, and the punctual payment of the interest thereon, quarterly, until the said stock shall be so redeemed: And also any information he may possess, derived from personal observation, as to the present condition of the property pledged to the state by the said company, as such security; the title and estimated value of such property, and consequent sufficiency of such security; and, generally, whether from the present condition of the property, and the reasonable prospect of its future improvement and use, the expectations of the state as to its public utility, are likely to be realized;" respectfully reports:

That the president, managers and company of the Delaware and Hudson canal company, on the 14th day of March, 1827, pursuant to the 6th section of the "Act to loan the credit of the people of the state of New-York to the president, managers and company of the Delaware and Hudson canal company, and for other purposes," duly executed a mortgage to the said people, of the following property, to wit:

All those certain lots, number five, seven and eight, with the appurtenances, described as follows, to wit: Number five, two-thirds of a lot of land commonly called the Caatsbaan, being an orchard containing about sixteen acres, being undivided, and encumbered with three dowers. Number seven, the farm formerly belonging to Philip Swart, lying at Kingston Landing, containing about fifty acres of land. Number eight, a lot beginning between the store of Abraham Hasbrouck and the store occupied by John D. Middach and company, and runs thence along the garden fence of William Swart, and along the foot of the hill, through the orchard, to the board fence, including said orchard; thence along said fence to the creek, and then down the said creek to the place of beginning, containing about six acres, with the improvements thereon; being the same lots or parcels of land set forth and described in a deed of conveyance, bearing date the sixth day of April, in the year of our Lord one thousand eight hundred and twenty-six, executed by Peter Van Gaasbeck junior and Thomas C. Van Gaasbeck, administrators, with the will annexed of Jacobus Van Gaasbeck, deceased, of the town of Kingston in the county of Ulster, and state of New-York, to John Bolton, of the city of New-York, for and in behalf of the said president, managers and company of the Hudson and Delaware canal company, and their successors.

Also, all those certain lots, pieces or parcels of land and premises, situate, lying and being in the town of Deerpark, in the county of Orange. The first of which is bounded as follows, to wit: Beginning at a heap of stones on the Delaware river, on the bank, and runs from thence north fifty-five and an half degrees, east along the line of Stephen St. John's land, forty-three chains, to a white-oak sapling with a heap of stones around it, on the line of lands formerly of Wilhelmus Cole, but which lands, on the second day of August, in the year of our Lord one thousand eight hundred and twenty-six, belonged to Portons R. Root, of the said town of Deerpark, and being the second lot conveyed by the said Portons R. Root to the said president, managers and company of the Delaware and Hudson canal company, by deed bearing date on the said second day of August, one thousand eight hundred and twenty-six; thence south, sixty-two degrees east along the said land, eighteen chains and ninety links to a stone standing in the road leading from Carpenter's point, along the Delaware river to Shingle-Kill; thence south fifty-three and an half degrees, west along the line of Elias Kingkendall's land forty-seven chains and twenty links, to a heap of stones at the Delaware river; thence up the said river to the place of beginning; containing eighty acres of land; excepting out of the same, two acres now owned by Francis Kelly, lying in the easterly corner thereof; which said tract was conveyed to the said Portons R. Root, by Wilhelmus Westfall and Margery his wife, by deed bearing date the second day of August, one thousand eight hundred and twenty-six. The second of the said pieces of land adjoins the above mentioned lot, and is bounded as follows, viz: Beginning at a stone standing on the road between the dwelling-houses of said Westfall and Jacob Cuddeback junior, at the north corner of Elias Kingkendall's land, and runs thence south thirty-five degrees and thirty minutes, east along the line of

said Kingkendall's land two chains and forty-eight links to a stone at the southwest side of the road; thence north forty-eight degrees and thirty minutes, east along the line of Jacob Cuddeback junior's land 5 chains and 65 links, to a corner of his land; thence north 35 deg. and 40 min., west along the line of said Cuddeback's and Elias Kingkendall's land, 34 chains to the line of lot number 46 in the 7th division of Minisink patent; thence south 69 deg., west along the line of said lot number 46, 22 chains and 22 links, to a stone at a corner or line of Stephen St. John's land; thence south 58 deg., east along the line of Stephen St. John's land and the first above mentioned lot, 40 chains, to the place of beginning, containing forty-six acres of land, be the same more or less. The undivided half of the said last mentioned lot, was conveyed to the said Westfall by Josias Cole and wife, by deed dated the nineteenth day of November, one thousand eight hundred and twenty-five, and the remaining half by Cornelius W. Cole, to whom it was conveyed by Wilhelmus Cole, by deed dated the eighteenth day of November, one thousand eight hundred and twenty-five; the said last described lots, pieces or parcels of land and premises, being the same conveyed by the said Portons R. Root to the said president, managers and company of the Delaware and Hudson canal company, by the said deed, bearing date the second day of August, in the year one thousand eight hundred and twenty-six.

And also, of the bed of the Delaware and Hudson canal, and the lands adjoining thereto, and necessary for the useful enjoyment thereof, and basins connected therewith, together with the toll-houses and their appurtenances, and every thing appertaining to said canal: which said canal commences on the tide waters of the Hudson river, and extends up and along the valley of the Rondout and Sandberg creeks, to its summit level in the county of Sullivan, and so on southwesterly to the Delaware river; and thence up and along the east bank of the Delaware river, to a point or place on the Delaware river opposite to the mouth of the Lackawaxen river, and thence across the Delaware river to the line of the state of Pennsylvania, as worked or laid out, and partly worked and laid out, within the counties of Ulster, Orange and Sullivan, within the state of New-York.

And also, the nine following described tracts or pieces of land situate in Luzerne county, in the state of Pennsylvania, three of them lying contiguous to each other, called in the patents for the same respectively, "Silver Mine," "Calypso" and "Jessamine," surveyed on warrants bearing date, respectively, the 5th day of November, one thousand seven hundred and ninety-two; one of them granted in the name of Jonathan Kellogg, another in the name of Oliver Smith, and the other in the name of Elizabeth Kellogg, bounded by lands surveyed in the names of Rebecca Dena, Nathan Wade, Jacob Flanders, Jacob Fisher, John Clark, Anderson Dena and Aziel Dena, and others; containing together one thousand two hundred and three acres, and the usual allowances for roads and highways.

Another of them, called "Liberty," lying on a branch of Lackawanock creek, beginning at a pine, thence by land of George Eddy, south 46 deg., east 377 perches, to a chesnut oak; thence by land of Benjamin R. Morgan, south 44 deg., west 180 perches, to a chesnut oak; thence by surveyed land, north 46 deg., west 377 perches, to a dogwood, and thence by land of John Pierce, north 44 deg., east 180 perches, to the place of beginning, containing four hundred acres, and allowance as aforesaid.

Another of them, (being part of a tract called "Spruce-Valley,") beginning at the southermost corner of the said tract called Spruce-Valley, where a dogwood formerly stood, thence extending along a line of the said large tract, north 44 deg., east 121 perches, to a black oak sapling; thence by land of Samuel W. Fisher, north $54\frac{1}{2}$ deg. west 96 perches, to a stone; thence south 35 deg., west 130 perches, to a chesnut sapling standing on the southwesterly side of the said large tract, and thence along the same, south 57 deg., east about 77 perches, to the place of beginning, containing about 68 acres strict measure.

Another of the said tracts, (being part of a tract called "Lofty Oaks,") beginning at an old white pine, the easternmost corner of the said tract called

Spruce-Valley, thence by lands surveyed to William Peirce, north 44 deg., east 180 perches, to a white oak sapling; thence by land surveyed to Hannah Bell, south 46 deg., east 100 perches, to a black oak sapling; thence by other land of the said Samuel W. Fisher, south 44 deg., west 180 perches, to a stake in the line of land surveyed to David Lewis; and thence by the same, north 45 deg., west 100 perches, to the place of beginning, containing 112½ acres strict measure.

Another of them, (being part of two tracts called "Greenfield" and "Industry,") beginning at a stake in the northwesternmost corner of a tract of land granted by the said Samuel W. Fisher to John Secor; thence extending by the same south 54½ deg., east 162 perches, to a hemlock; thence north 35½ deg., east 97 perches, to a corner; thence north 45 deg., west 164 perches, to a post in the line of a tract surveyed to Levi Peirce, and thence along the same line and the northwesternmost line of a tract surveyed to William Perce, south 35½ deg., west 125 perches, to the place of beginning, containing about 112 acres, and 62 perches strict measure; and the other two of them lying contiguous to each other in Greenfield township, one of them called "Mansfield," lying on a branch of Lahawana creek, beginning at a cucumber tree, thence by surveyed land and the hereinafter described tract, north 46 deg., west 278 perches, to a beech; thence by vacant land, south 44 deg., west 320 perches, to a hemlock sapling, south 46 deg., east 220 perches, to a birch; thence by surveyed land, north 44 deg., east 122 perches, to a post, south 46 deg., east 132 perches, to a post by vacant land; north 44 deg., east 38 perches to a hemlock; north 46 deg., west 74 perches to a hemlock, and north 44 deg., east 160 perches, to the place of beginning, containing four hundred and ninety-nine acres and a quarter, and allowance as aforesaid; and the other of them, called "Fairview," situate on Lackawanock creek, beginning at a beech sapling; thence by the last above described tract, south 46 deg., east 260 perches, to a hemlock; thence by vacant land, north 44 deg., east 320 perches, to a heap of stones; thence by surveyed land, and land of Walter Porter, north 46 deg., west 260 perches, to a beech, and thence by land of Peter Porter, south 44 deg., west 320 perches, to the beginning, containing four hundred and ninety acres and a half, and allowances as aforesaid.

And also, a certain tract or piece of land, situate in the township of Blakely, in the county of Luzerne, in the state of Pennsylvania, conveyed by John Wurtz, of the city of Philadelphia, Esquire, to the said president, managers and Company of the Delaware and Hudson canal company, and their successors and assigns, by deed bearing date the first day of November, in the year of our Lord, one thousand eight hundred and twenty-five, and bounded and described therein as follows, viz. beginning at a sugar tree corner, thence north 44 deg., east 320 perches, to a corner; thence by land of Jacob Porter and others, south 46 deg, east 232 perches, to a corner; thence by land of Henry Rider and Samuel Rider, south 44 deg., west 320 perches, to a corner; thence by lands of Norman Lee, north 46 deg., west 232 perches, to place of beginning, containing 437 acres, and 124 perches, (it being the same premises which John P. De Grouchy, of the town and county of Northumberland, in Pennsylvania, and Catharine his wife, by indenture, bearing date the seventh day of October, one thousand eight hundred and twenty-five, granted and conveyed unto the said John Wurtz, in fee.)

And also, of the right of making a canal or slack-water navigation, or other communication through the said state to the coal mines in said state, as is particularly set forth in the several acts of the legislature of Pennsylvania, entitled as follows, to wit: "An act to improve the navigation of the river Lackawaxen," passed on the thirteenth day of March, in the year one thousand eight hundred and twenty-three. "A supplement to the act, entitled 'an act to improve the navigation of the river Lackawaxen,' passed March 13th, one thousand eight hundred and twenty-three," passed on the first day of April, in the year one thousand eight hundred and twenty-five. "A further supplement to an act, entitled 'an act to improve the navigation of the river Lackawaxen,' passed March thirteenth, one thousand eight hundred and twenty-three," passed on the ninth

day of February, in the year one thousand eight hundred and twenty-six. "A further supplement to the act, entitled 'an act to improve the navigation of the river Lackawaxen,' passed March 13th, 1823," passed 5th April, 1826.

In addition to the bed of the canal and the lands adjoining thereto, and necessary for the useful enjoyment thereof, and basins and toll-houses above described, the mortgage includes all the rights, privileges and appurtenances in, and belonging to the bed of the canal, and the tow-path thereunto appertaining, not only as the same was granted, made or completed at the time of executing the mortgage, but as they shall be made or completed, whether situate in this state or the state of Pennsylvania; and all privileges necessary and incident to the said canal, as the said president, managers and company might thereafter possess the same by the laws of this state or the state of Pennsylvania.

This mortgage was duly approved by the Attorney-General and accepted by the Comptroller, on the 16th day of March 1827, as the assignment or collateral security required to be received by him before the issuing of any of the stock directed to be issued by the act before mentioned; and on the same day it was recorded in the office of the Secretary of state.

In relation to the title of the property mortgaged to the state, the Comptroller is informed that satisfactory evidence was submitted to the Attorney-General, of the rights of the mortgagors to the premises before described, and his approval of the mortgage to the state was preceded by and resulted from his full examination of their title deeds.

The company having furnished the security directed by the sixth section of the above mentioned act, the Comptroller did, on the 16th day of March, 1827, issue and deliver to them, one hundred certificates of stock, of one thousand dollars each, bearing an interest of five per cent., payable quarterly, reimbursable at the pleasure of the state, after the year one thousand eight hundred and forty-seven.

On the 20th day of October thereafter, the company deposited with the Comptroller, the monthly accounts rendered to them by their agent, Maurice Wurts, signed by him, and approved and countersigned by their president and treasurer, showing the expenditure on the said canal subsequently to the issuing of the said stock, of more than $100,000. Thereupon the Comptroller issued to the said company another 100,000 dollars of stock, according to the provisions of the third section of the aforesaid statute.

On the 22d of October, the company produced to the Comptroller the monthly accounts of their agent, duly signed by him, and countersigned by their president and treasurer, showing an expenditure on the canal since the passage of the aforesaid act, amounting to more than two hundred thousand dollars, including the amount before rendered. The Comptroller then issued a third time, stock as before described, amounting to another 100,000 dollars.

On the 14th January, 1828, the company produced other monthly accounts, certified and signed by their agent, and countersigned by their president and treasurer, amounting, with those before that time rendered, to more than 400,000 dollars; and thereupon the Comptroller issued the remainder of the $500,000 of stock directed to be issued by the statute heretofore referred to.

The following tabular statement relative to the issuing and sale of the stocks, and of the premium received thereon, will present the most satisfactory view of the whole transaction.

Stock issued by the Comptroller to the President, Managers and Company of the Delaware and Hudson Canal Company, as follows:

1827, March	16,	100	certificates at $1000 each, ...	$100,000	00
" Oct.	20,	100	do do	100,000	00
" "	22,	100	do do	100,000	00
1828, Jan.	14,	200	do do	200,000	00
				$500,000	00

Monthly abstracts duly authenticated as required by law, as follows:

1st.	From 17th March to 30th April, 1827, amount,.....	$25,981 69
2d.	For the month of May,.....	28,193 45
3d.	For June and to the 12th July, ...	84,938 51
4th.	From 12th July to the end of August,.....	74,584 24
5th.	From 1st to 24th September,.....	64,645 36
6th.	For October to the 24th November,.....	68,889 28
7th.	From 24th November to 24th December,.....	58,802 06
	Total amount,.....	$406,034 59

Thus it will be perceived that the authenticated accounts of expenditure, exceed the amount actually required by law, more than $6,000.

The stock issued as above stated, was sold pursuant to the directions of the law authorising the issuing of it, as follows:

1827, Oct. 31,	$100,000, at a premium of 11½ per cent. The premium, after deducting the expense of sale, amounted to,...	$11,478 25
" Dec. 5,	$100,000, at a premium of 11 per cent., yielding..	10,978 25
" " 31,	$100,000, at a premium of 8¾ per cent., yielding ..	8,353 25
1828, Feb. 29,	$100,000, at a premium of 7¾ per cent., yielding...	7,727 25
" May, 31,	$100,000, sold at different rates of premium,.....	7,668 00
	Total amount of premium,.....	$46,205 00

The whole amount of premium realised from the sale of this stock, is $46,205, and it has been applied to the increase of the common school fund.

Of the punctual payment by the company of the interest on all the stock thus issued, the Comptroller does not entertain the slightest doubt. Three hundred thousand dollars of it are owned by the people of this state, and under his charge as its fiscal officer: On which the interest has been promptly and fully paid; and he has never heard that there was any failure or delay in paying the interest on the remainder. If such had been the case, the knowledge of it would not probably have been withheld from the Comptroller; who, as the financial officer of the state, would naturally be the first to receive information of the violation of its faith in regard to its pecuniary transactions.

The Comptroller has felt some embarrassment as to his duty in answering that part of the resolution which appeals to his opinion of the value of the property pledged to the state for its security, derived from his personal observations. His opportunities have been very few of acquiring that sort of information asked for in the conclusion of the resolution, and his personal examination of the work, was made without any view to obtain an accurate knowledge of its character, and without the remotest idea of being required to answer a call like the one now made upon him.

Individuals, of much private worth, have embarked their fortunes in this great enterprise, and after expending nearly two millions of dollars, and approaching, as they think, towards the enjoyment of all those advantages for which they have risqued so much, are now struggling with their last difficulties. The Comptroller would be extremely unwilling, by an excess of caution, to increase, if his reserve could increase these difficulties, or delay the completion of a work, which, if advantageous to the spirited individuals embarked in it, must be so to a portion of the citizens of this state, who have not exposed themselves like these individuals, to the hazards of the undertaking. On the other hand, his duty to the state urges him to great circumspection in giving encouragement, by speculative opinions, to the investments of its funds, or the assumption of burdens upon expectations that are not likely to be fully realized. While he would be solicitous to guard the state from hazard and ultimate loss, by lending its money to unpromising adventures, he would be willing to see it seconding individual efforts in undertakings that improve the condition of any portion of its citizens, and exalt its character for public spirit and hardy enterprise.

Under these impressions of duty to the state, and respect for the enterprising character of the Delaware and Hudson canal company, he will present such views of the company's canal, as his limited information has furnished him in relation to the nature and extent of the property pledged to the state, and to the reasonable prospects of its future improvements and use.

The canal of the company commences near Kingston, and runs through Ulster, Sullivan and Orange counties, eighty-one miles. That part of it which extends from the Hudson to the Delaware river, a distance of fifty-nine miles, had been finished and in operation some time, when it was viewed by the Comptroller.

His own observations confirmed the reports of impartial judges, who represented this part of the company's work to be a well-made and permanent canal, with stone locks. The canal extends up the north side of the Delaware river twenty-two miles, then crosses it into the state of Pennsylvania, at the mouth of the Lackawaxen, and proceeds up that river nearly twenty-five miles, to Honesdale, where it terminates at the foot of a rail-road, partially constructed, which leads to the coal mines, situated about sixteen miles from the canal. The banks of the Delaware and Lackawaxen rivers, are generally high and precipitous, and the canal passes most part of the way near the rivers, and sometimes encroaches upon their beds. These streams are undoubtedly subject to considerable floods. The canal is carried probably above the reach of these floods, and is defended against their assaults by very permanent walls. Some fears might possibly be entertained, that when the water was very high and rapid, trees and rafts may be carried with such violence against the walls, as to batter it down in some places. To prove the groundlessness of these fears, which were expressed by the Comptroller when he examined the work, he was shown a wall in very exposed situations on the Delaware, which, it was said, had stood the test of one or two seasons, and it did not appear to have sustained the slightest injury. The canal along the Delaware and Lackawaxen, was completed when it was viewed by the Comptroller, but had not been filled; it had not then afforded the last and most essential proof of a well-constructed work,—a capacity to sustain a full head of water. This proof, to a considerable extent at least, must have been since afforded, because many tons of coal which lay at its termination, have been brought on it to market. The Comptroller can pronounce with confidence, that the canal, from the Hudson to the Delaware, speaking in reference to its construction, is a good one; and he does not know that the remainder of it is not entitled to the same character. The locks on the upper part of it, do not promise a like durability to those which have been before spoken of; because they are constructed with wooden chambers.

On the rail-road, the Comptroller will make only this observation, that it was not in such a state of forwardness as to afford of itself, to one wholly unacquainted with such works, any assurance as to its practical operation; and never having seen a rail-road in operation, he can form no opinion of it by comparison.

The next important requisite to good canal navigation, after a well-constructed work, is a sufficiency of water. That part of it which runs down the Lackawaxen, can derive a most abundant supply from that river. The Delaware will supply the twenty-two miles on its shore. The Neversink and Mongaap each furnish an excellent feeder. From the abundance of water in the canal, when the Comptroller passed along on it, between the Hudson and Delaware rivers, it did not occur to him that any fears were to be apprehended for the want of water, and he believes that on this subject now (whatever might once have been the case) no fears can be reasonably indulged.

If this canal, in regard to its fitness for navigation, is all it is represented to be, yet it is no adequate security to the state for the credit which it has already loaned to the company; much less a security for further engagements it may enter into to aid this company in their enterprise, unless it is to be much used for the transportation of property. What is the extent of business that will naturally be done on this canal? How much will this business be increased by

the company's transportation of coal? A correct answer to these two questions, if it could be given, would remove all difficulties, and confirm all hopes or fears in relation to the success of this great undertaking. Inasmuch as the events of the future cannot be certainly known, these questions cannot receive a precise answer.

The timorous will see, or think they see, dangers that never will be felt; and the sanguine will be amused by hopes that never will be realized.

By an attentive consideration of all the facts and circumstances that bear upon these questions, such results may be arrived at, as will form proper motives of conduct.

The Comptroller regrets that his knowledge of these facts and circumstances is so imperfect, that he can furnish but little aid to the house in coming to these results.

The region through which the canal passes, particularly after it leaves the valley of the Rondout and Mamakating Hollow, is far from being one of great fertility.

The quantity of surplus agricultural products of the country bordering on the canal, and seeking a market through it, cannot, in the opinion of the Comptroller, be very great, and consequently the quantity of merchandize transported through the same channel, for the use and consumption of the population of the same district of country, will be proportionably limited.

This state of the case would be somewhat varied, if the inhabitants on the Susquehannah, which is distant about thirty-five miles from the termination of the canal, should make use of it to supply themselves with merchandize, and to convey their surplus productions to a market. Whether this business will be drawn to the canal; and still further, whether a portion of the lumber which is embarked on the Delaware river, will take a direction through the canal to the New-York market, sometimes a preferable one to Philadelphia—events confidently calculated on by the company,—are questions upon which the Comptroller is not prepared to offer an opinion. After taking the best view of this part of the subject that his information has enabled him to make, he does not believe, (and it is due to the company to say, they have never sanguinely contended,) that, disconnected from their contemplated coal operations, the canal will yield, till after many generations, any thing like a profitable return for the investments made in it. The toll from the business, exclusive of that arising from the transportation of coal, will pay a part, and probably a considerable part, of the expenses of repairs and superintendence, and perhaps ultimately the whole of them.

The views heretofore presented, seem to lead to this conclusion, that the success of the enterprise, and consequently the security of the state for the credit it has loaned to the company, will depend principally upon the success of the coal business. It was this business that suggested the enterprise of constructing the canal, and the Comptroller believes that the sanguine hopes of those who have embarked in it, never rested upon any other basis than the profits to be derived from their coal. To the people of this state, it is important to know that the expectations of the company in this particular, are well-founded.

The consumption of coal, particularly the anthracite kind, has increased with great rapidity within a very few years. It is not only applied to household uses, but large quantities of it are demanded in conducting many extensive branches of manufactures. If it should, as it is believed it will, become reduced in price, it will probably be substituted generally for wood used as fuel, in cities and places where the latter is scarce and dear; and unless new coal regions are discovered, or much greater facilities of procuring it are devised, the demand will in all probability be quite equal to the supply.

Whether the Delaware and Hudson canal company can advantageously avail themselves of this probable state of things, will depend upon the comparative goodness of their coal, and the comparative cheapness at which they can supply the market. The coal with which that of the company will have to enter into competition, will be the Schuylkill and Lehigh. The mines opened on

Rhode-Island, do not yield coal in sufficient abundance, or of such a quality, as to be regarded a rival source of supply.

The Lehigh and Schuylkill coal have been for some years in common use in several parts of this state, and the character of each, at this day, is well known. The character of the Lackawannock coal (the company's coal,) has, till very recently, been in this quarter, a subject of speculative opinion. It has now, however, been introduced into market, and its quality is no longer a matter of vague speculation. The Comptroller's own opinion, derived from a limited use of the three kinds of coal, is in coincidence with that which he has procured from the Messrs. Townsends, of the city of Albany, who, as manufacturers using each kind, have had the means of instituting a comparison, and forming a true judgment of their relative goodness. The following reply to his written application to them for information relative to the company's coal, is entitled to much more consideration than any thing that the Comptroller can offer of his own to the Assembly.

Albany, January 21, 1829.

SIR,

Your favor of the 20th inst. was duly received, asking our opinion as to the quality of the Lackawannock coal: We have made trial of it at our furnace establishment, and at the Troy iron and nail factory, and the report we have received from the foremen of both establishments, is, that they prefer this coal for heating and melting iron, to the Lehigh, or any other anthracite coal which they have used.

It will ignite in much less time, and the same weight will produce a better result.

Mr. Lemuel Pomeroy, of Pittsfield, Massachusetts, is extensively engaged in manufacturing arms for the United States government, and is now using the Lackawannock coal. We have received a letter from him, in which he states his decided preference for this coal for welding gun barrels, and for the general uses of his factory. Twenty or more families in this city, within our knowledge, are using this coal; who all give it the most decided preference to the Lehigh or Schuylkill for the grate. From our experience in witnessing the use of this coal in the different manufactures of iron and nails in which we are engaged, we give it as our most decided opinion, that the Lackawannock coal will be preferred to any other anthracite, for all manufacturing purposes.

We are, Sir,
Very respectfully,
Your ob't. serv'ts.
I. & J. TOWNSEND.

William L. Marcy, Esq. *Comptroller.*

From a personal examination of the coal region belonging to the company, the Comptroller is satisfied that no fears should be entertained as to the quantity they can furnish. If it is not wholly inexhaustable, it is not probable, that with the utmost demand for it, and the greatest possible facility and despatch in forwarding it to market, the beds of coal already discovered at the termination of the rail-road, and within a few miles around it, could be exhausted in two hundred years.

The quantity being abundant if not exhaustless, and its quality such as to enable it to enter into fair competition, when in the market, with any other kind of anthracite coal; can coal from any other quarter be delivered at New-York, or on the Hudson river, at such a price as to render the business of the company profitless or losing?

The answer to this question is very important in relation to the states' security. The price of coal in the market, depends upon the cost of the article in a state of nature, the expense of quarrying, and of transporting it to the market.

The article in a state of nature is already acquired by the company. Their beds at Carbondale are so advantageously situated, that very little expense need be incurred to prepare the coal for delivery into the rail-road cars.

If the rail-road should answer the expectations which are formed of it, by those who are acquainted with such works; if that part of the canal which was finished, but not in operation when the Comptroller viewed it, should prove as good as the line between the Hudson and the Delaware, no reasonable doubt can be entertained that this coal can be brought on to the Hudson river, or to the market at New-York, and sold advantageously for the company, for a price greatly below that at which the Lehigh and Schuylkill coal have heretofore been sold.

What reduction, if any, on the Schuylkill and Lehigh coal could now be made, and the business continue to yield a fair profit; and what reduction may be hereafter made on each or either of these kinds of coal, by means of opening new and cheaper avenues for bringing them to market, the Comptroller is unable to form a confident opinion.

The hidden riches of this country are occasionally laid open by fortunate accident, or the persevering efforts of its enterprising inhabitants, and hopes may possibly be entertained by some, that valuable and abundant coal mines may yet be discovered on or near our navigable waters, that might supply the article much below the cost of bringing it to market from the region in which it is now known to exist: but men should not, and wise men do not, act with any special reference to such exceedingly rare events. They do not neglect improving the means they have, and spend their lives in waiting for fortune and accident to furnish them with better.

As the resolution sent to the Comptroller has relation to a subject in which the state has an extensive pecuniary interest involved, he regrets that his personal observations, and general information relating to it, were not such as to enable him to offer to the honorable the Assembly, opinions more confident, and more precisely responding to the objects of inquiry presented to him.

All which is respectfully submitted,

W. L. MARCY, *Comptroller.*

January 26*th*, 1829.

Ordered, That the said report be referred to the select committee of which Mr. Bradish is chairman.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

A communication from the comptroller was read, in the words following, to wit:

Albany, *January* 27, 1829.

SIR,

I take the liberty to inform the branch of the Legislature over which you preside, that the office of comptroller has this day become vacant, by my acceptance of the appointment of a justice of the supreme court. In retiring from the station which I have so long occupied by the kind partiality of the representatives of the people, I should not do justice to my feelings, if I did not express my grateful acknowledgments, not only for the honor bestowed on me, but for the liberal confidence and support I have received from each Legislature, through the whole course of my official duties.

I have the honor to be, with great respect,
Your obedient servant,

W. L. MARCY.

Hon. Peter Robinson,
Speaker of the Assembly.

Ordered, That the said communication be laid upon the table.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have the honor of laying before you the annual report required by law of the commissary-general.

MARTIN VAN BUREN.

Albany, January 27, 1829.

STATE OF NEW-YORK.

COMMISSARY-GENERAL'S OFFICE.

New-York, January 20, 1829.

To His Excellency M. VAN BUREN,
Governor of the State of New-York.

SIR,

In compliance with the 15th section of second article, title eighth, chapter tenth, of part the first of the Revised Statutes, relating to the militia and public defence, I have the honor herewith to transmit to you my annual report.

And am, very respectfully,
Your Excellency's most ob't serv't,

ALEXANDER M. MUIR,
Commissary-General.

[*For pages* 222 *to* 242 *inclusive, see* Tables A. and B. (Sig. G. and H.)]

| | | |

(*A.*)

A general return of Ordnance, Arms and Military Stores, the property of the State of New-York, on the first day of January, one thousand eight hundred and twenty-nine.

| PROPERTY WHERE DEPOSITED. | IRON ORDNANCE. Mounted. 32 pounders. | 24 pounders. | 18 pounders. | 12 pounders. | 9 pounders. | 6 pounders. | Dismounted. 24 pounders. | 9 pounders. | 6 pounders. | BRASS ORDNANCE. Mounted. 18 pounders. | 12 pounders. | 9 pounders. | 6 pounders. | 4 pounders. | 3 pounders. | 2 pounders. | Dm'd 6 pounders. | 2 pounders. | Mortars. 10 inch. | 8 inch. | Powder proofs. | Eprouvette. | For garrison. | CARRIAGES. For field. | Timberli. | Caissons. | Wagons. | Travelling forges. | HARNESS. Single sets of. | Sets or parts of sets. | Cart or shaft. | Pontillion saddles. | IMPLEMENTS FOR CANNON. Implements for cannon, sets. | Gunners' equipments. | Rammers and sponges. | Worms and ladles. | Ladles without worms. | Powder-horns. | Tube-boxes and straps. | Gunners' gimblets. | Gunners' pincers. | Gunners' haversacks. | Gunners' hammers. | Priming-wires. | Portfire sticks. | Portfire cases. | Hair-sticks. | Lead aprons and straps. | Tompions and straps. | Tar-buckets. | Water-buckets. | Gunners' belts. | Hand-spikes. | Tapers for drying powder. | Dog-ropes, sets of. | Bricoles. | Prolonges. | Trail-staves. | Sponge covers. | Quoins. | Cannon searchers. | Iron crowbars. | Shell-hooks. | Shell-scrapers. | Shot-carriers. | Eggerheads. | Sling-carriages. | Jacks. | Gins. | Gun condemned. | Wrenches. | Tackle-blocks. | Tackle-falls. | Tent-horses. | Tumbril-hops. | Cast iron trail-wheels. | Tompions. | Cartridge-boxes. | Budge-barrels. | Battery handspikes. | Cannon rammers. |
|---|---|---

State of N. Y.

[*Sig.* H.]

N, &c.

...	43,377
...	1,888
...	220
....	627
...	20,000
...	60 barrels.
...	373 boxes.
iber	150 tons.

nusic.

....	46
....	46
....	219
....	284
....	41
....	253
....	5,947
....	562
....	96
....	2
....	2,896

s Office. }
}

MUIR.

missary-General.

(B.)

RECAPITULATION

Of the account of Ordnance, Arms, and other property belonging to the State of N. Y.

[Sig. H.]

IRON.

25	cannon of	32	pounders,	*Mounted.*
2	do	24	do	
4	do	18	do	
4	do	12	do	
10	do	9	do	
34	do	6	do	
4	do issued without being mounted.			
1	do	32	pounders,	*Dismounted*
55	do	24	do	
2	do	9	do	

141 pieces iron ordnance.

BRASS.

2	cannon of	18	pounders,	*Mounted.*
6	do	12	do	
7	do	9	do	
96	do	6	do	
6	do	4	do	
50	do	3	do	
2	do	2	do	
1	do	2	do	*Dismounted*
6	do	6	do	
2	brass 10 inch mortars,			
1	do	8	do	
1	do	5	do eprovette.	

180 pieces brass ordnance.

Of brass, ... 180
Of iron, ... 141

321 total.

ARMS, AMMUNITION, &c.

Small arms, &c.

Muskets,	43,377
Rifles,	1,888
Pairs pistols,	220
Cutlasses and swords,	627
Sets of accoutrements, about	20,000

Ammunition.

Powder in barrels, equal to about	60 barrels.
Fixed ammunition,	373 boxes.
Cannon balls, principally of large caliber	150 tons.

Colors and instruments of music.

Regimental standards,	46
Bass drums,	46
Small drums,	219
Fifes,	284
Bugles,	41
Drum slings,	253
Knapsacks,	5,947
Common infantry tents,	562
Wall tents,	96
Marquees,	2
Canteens, &c. &c.	2,896

STATE OF NEW-YORK—Commissary-General's Office.
New-York, January 20, 1829.

ALEXANDER M. MUIR.
Commissary-General.

(C.)

A RETURN in detail of the Ordnance, Arms, Ammunition, and other Munitions of War, the property of the State of New-York. Dated January 1, 1829.

Deposited for safe keeping on Governor's Island, Harbor of New-York.

13 iron 24 pdrs cannon, dismounted.
13 garrison carriages for do. complete.

At Forts Richmond and Tompkins, on Staten Island.

25 iron 52 pdr cannon, mounted.
2 " 24 " do do
1 " 32 " do dismounted.
42 " 24 " do do
42 garrison carriages for do. much decayed, and condemned.
42 pent (or sheds) houses.
54 rammers and sponges.
40 ladles for cannon.
60 wormers.
100 battery handspikes.
50 iron crowbars.
9 " loggerheads.
50 beds and quoins.
1 sling or dibble carriage.
1 small truck do
10 old iron truck wheels.
A quantity of wads.
3833 cannon shot, 24 pdrs.
1655 " " 32 pdrs.
6 sets gunner's equipments.
2 cannon scrapers.

In the Arsenal at New-York.

4 iron 18 pdr cannon, mounted.
2 " 12 " do do
5 " 9 " do do
2 " 9 " do not fit for service, carriages condemned.
6 brass 12 pdrs, mounted.
2 " 18 " do
20 " 6 " do of those just received from U. S.
6 " 6 pdr, dismounted.
1 " 2 pdr, do
49 field carriages, complete, with limbers, ammunition boxes, trail staves, &c. &c.
2 old gun carriages for 9 pdrs, condemned as unfit for service.
2 brass 10-inch mortars.
1 " 8-inch do
Beds of do. unfit for service.
120 rammers and sponges.
70 worms, and 18 ladles.
55 powder horns and gunner's belts.
42 tube boxes and straps.
22 portfire cases.
60 lintstocks.
60 portfire stocks.
38 tar buckets.
28 water buckets.
34 postillion saddles.
2 old cart saddles.
20 prolonges.
208 bricoles.
24 sets implements, straps.
50 lead aprons and straps.
50 trail staves.
40 tompions and collars.
20 sets dragropes.
48 haversacks.
A lot of sponge covers.
1 case mathematical instruments.
1 gunner's quadrant.
1 gunner's compass.
1 pr caliber compasses.
1 set brass shot guages.
12 wooden do
1 copper portfire mould.
1 wooden do
20 copper measures and tunnels.
2 pair scales, 1 set weights.
92 rifle bullet moulds.
5 portfire drifts.
A lot of portfire forms.
A few reams cartridge paper.
A lot of cartridge thread.
4 tin filling pans.
2 filling tables.
12 filling boxes.
1 dredging box.
1 copper syringe, 1 tinder box.
2 old powder sieves.
1 iron ladle.
1 musket scraper.
6 stools and benches.
1 lathe wheel.
8 coils slow match.
pieces portfire.
25 cast iron truck wheels.
A lot of priming wires and brushes.
2 bundles iron wire.
1 saddle and bridle.
1 currycomb and brush.
4 brooms.
2647 cannon shot for 32 pdrs.
19 do 24 "
612 do 18 "
294 do 12 "
705 do 9 "

1764 cannon shot for 6 pdrs.
109 do 4 "
1200 do 3 "
358 shells for 10-inch mortars.
88 do 8-inch "
99 do 8-inch "
A quantity of wads.
A lot of flannel bags.
10 boxes musket balls.
5 " buckshot.
4 casks musket flints.
1 linen haversack.
124 camp kettles.
2 magazine lanthorns.
A lot of screwdrivers.
A lot of gun worms.
4 copper (cooper's) tools.
1 brace and bits.
1 drawing-knife.
5 cast iron stoves and grates.
1 oil cann.
118 facine hooks.
2 hatchets.
1 crosscut saw.
3 common handsaws.
1 wood and 1 broad axe.
1 sledge hammer.
5 pod augers, 5 screw do.
6 planes and 10 chisels.
3 hand hammers.
1 square and compass.
1 spade, 2 shovels, 1 pickaxe.
1 grindstone, (much worn.)
1 pair steelyards.
1 pair double bellows.
1 wood saw.
6 step and rung ladders.
1 wheelbarrow.
1 horse cart.
1 set harness for do.
1 cart horse.
3 dusting brushes.
2 watering pots.
38 wall candlesticks.
1 desk, 2 tables, 3 chairs.
1 pair shovel and tongs.
1 coal pan and safety fender
1 poker, 1 office bell.
4 fire buckets.
1 glue pot.
75 handcuffs.
1 iron pestle.
4 handspikes.
2 rakes, 2 hoes.
2 brands, 6 camp stools.
A lot of cooking utensils.
34 quoins.
2 iron crowbars.
1 cannon searcher.
1 shell scraper.
4 shot carriers.
4 shell hooks.
10 wrenches.
1 jack screw.
2 gins, (one condemned.)
4 sets tackles and blocks.
3 sets falls for do.
40 tumbril tops.
19 cartridge formers.
20 ladle tompions.
109 battery handspikes.
4 common do.
9 budge barrels.
12 tarpawlings.
11,078 muskets,
11,708 ramrods,
11,708 bayonets,
} in order.
29 muskets much worn, returns of those loaned state prison guard.
2 rifles.
200 odd bayonets.
86 odd ramrods.
166½ pairs horseman's pistols.
228 cutlasses.
233 artillery swords.
1800 gun slings.
12,368 cartridge boxes and belts.
12,368 bayonet belts and scabbards.
1 commander in chief's marquee.
90 wall tents.
161 common infantry do.
37 tent partitions.
A lot of tent poles.
A lot of tent pins.
1 tumbril.
2 ammunition wagons.
2 travelling forges.
18 sets and parts of sets of old harness.
3 (old) national colours.
11 regimental do
6 bass drums.
23 snare drums.
27 fifes.
42 drum slings.
295 hammocks.
37 canvass caps.
2 medicine chests.
6 bugles.
A lot of timber, &c. for repair of gun carriages.
5286 knapsacks.
2670 canteens.

In the State Magazine at New-York.
1 box of tubes for cannon.
3 boxes of fuses for shells.
1 keg mealed powder.
1 tarpawling for drying powder.
136 rounds fixed cannister shot, 18 pdr.
200 " do 12 "

159 rounds fixed cannister shot, 9 pdr.
136 " do 6 "
243 " do 3 "
182 " strap do for 12 "
122 " do do 9 "
24 " do do 4 "
164 " do do 3 "
18 boxes containing strap shot for 18 and 6 pdrs.
190 rounds fixed strap for 6 pdr. do.
23 barrels cannon powder.
None half barrels do.
35 qr casks do. and musket do.
266 boxes of fixed musket cartridges, containing 1000 rounds each.
26 do. pistol do.
A lot of flannel cartridge bags.
3 pairs mockasins used for magazine.

In the Arsenal at Albany, Francis Costigan, keeper.

1 travelling forge.
3 tumbrils.
1 powder proof.
2 brass 6 pdr field pieces, carriages, implements, &c. complete.
1 brass 4 pdr field piece.
42 rammers and sponges.
40 worms and ladles.
44 trail staves.
20 powder horns.
20 gunner's belts.
32 lintstocks.
32 portfire stocks.
18 tar buckets.
20 water buckets.
20 sets implement straps.
21 lead aprons and straps.
21 tompions and straps.
40 haversacks.
20 tube boxes and straps.
12 sets dragropes.
160 bricoles.
20 prolonges.
4 budge barrels.
17 bullet moulds.
A lot of gunner's equipments.
A lot of portfire.
2 boxes of musket balls.
6 boxes of buckshot.
A coil slow match.
A quantity of musket flints.
2 barrels of soup basins.
4 old camp kettles.
A lot of old canteens.
4 handspikes.
3 iron crowbars.
A set of miner's rods.
1 large vice, 5 small do.
3 old artillery harness saddles.
12 common blankets.
A quantity of old slate.
A lot of old iron.
A lot of old lead.
1 set takle ropes and block.
A lot of tent poles.
2 old drum shells.
A lot of rifle bullet moulds.
A lot of screwdrivers and screws.
467 cannon shot for 12 pdrs.
802 do 9 "
98 do 6 "
1564 do 4 "
459 do 3 "
And a quantity of grape shot.
26,346 muskets, } in order.
26,346 bayonets, }
26,346 ramrods, }
1803 rifles.
420 gun slings.
4133 cartridge bozes and belts.
1407 bayonet belts and scabbards.
35 bugles.
35 regimental colours.
40 bass drums.
196 snare drums.
211 drum slings.
257 fifes.

In the Magazine at Albany.

94 boxes fixed musket cartridges.
7 boxes of grape and cannister shot, 6 pdr.
20 barrels, } powder.
43 qr casks, }

At Whitehall,

Remaining deficient of a quantity left in the possession of John Reed & Co. at the termination of the late war, viz:
133 cannon shot, 12 pdr.
111 do 9 "
364 do 6 "

At Plattsburgh, and returned to me as left in the possession of Mr. Gilleland.

18 old muskets.
6 ramrods, 5 old tents.
2 cartridge boxes and belts.
9 camp kettles, 50 canteens.
There is also remaining on the site of the old state arsenal at Plattsburgh, a quantity of cannon shot.

In Arsenal at Elizabethtown, Essex county, Col. Allanson Mitchell, keeper.

1652 muskets.
1600 ramrods.
1393 bayonets.

47 odd bayonets.
884 cartridge boxes and belts.
867 bayonet belts and scabbards.
25 cartridge boxes for riflemen.
26 rifles.
32 pairs horseman's pistols.
50 horsemen's swords.
47 muskets and parts of do. not worth repairing.
45 sword belts.
280 gun slings.
120 priming wires and brushes.
20 linen haversacks.
152 knapsacks.
356 common and wall tents.
14 tent partitions.
1 hospital tent.
A lot of gun flints.
28 kegs containing powder and fixed ammunition.
12 reams cartridge paper.
120 old canteens.
A lot of musket stocks, &c.
37 pieces and parts of old muskets.
36 lb. portfire.
2 cases surgical instruments.
5 tornequets.
1 tackle block, and falls for do.
1 lock, 4 old axes.
1 crosscut saw.
2 sets armorer's tools.
1 smith's bellows.
1 set of vices, 1 oilstone.
1 desk, 2 emery wheels and fixings.
$\frac{3}{4}$ of a box of window glass.
1 cast iron stove.
Odd parts of artillery harness.
1 tumbril.
34 cannon shot for 3 pdr.

Arsenal at Onondaga, is in the care of George Hall, Esquire,
In which there is no public property of any value.

Arsenal at Russell, St. Lawrence county, Elihu Phelps, Esquire, keeper.
436 muskets, bayonets and ramrods, complete, in order.
19 boxes fixed ammunition.
16 cartridge boxes and belts.
75 lb. lead, and a part of a box of window glass.

Arsenal at Watertown, Jason Fairbanks, keeper.
1776 muskets, 1776 ramrods, 1776 bayonets, } in order.
80 muskets and parts of do. too bad to be repaired.
1566 cartridge boxes and belts.
1643 bayonet belts and scabbards.
43 old cartridge boxes.
A lot of old accoutrements, unfit for service.
81 odd parts of old musket barrels.
9 boxes of fixed ammunition.
2 parts of do. damaged.
A lot of tent pins.
509 knapsacks, 56 gun slings.
57 old canteens.
4 water buckets.
$2\frac{1}{2}$ reams cartridge paper.
48 lb. buckshot.
3 pair steelyards.
A lot of old artillery harness.
8 pair snow-shoes, 4 pr gaiters.
1 grindstone.
621 cannon shot, 9 pdr.
1023 do 6 "
27 do 4 "
2138 do 3 "
1 rammer and sponge.
2 lintstocks, 1 trail staff.
3 old drum shells, 15 lintstocks.
2 (parts of) kegs gun flints.
And a lot of packing boxes.

In the Arsenal at Malone, Franklin county.
There is no public property of value.
The building and fences are in good repair, and in charge of R.G.Foote, Esquire.

In Arsenal, Batavia, Genesee county, Nathan Follett, Esquire, keeper.
1580 muskets in order, 1461 ramrods do 1490 bayonets do } fit for service.
283 muskets, old, not in order.
192 musket barrels.
29 musket stocks.
120 gun slings.
202 camp kettles.
1126 cartridge boxes and belts.
A lot of do. without belts.
182 bayonet scabbards and belts.
52 do without belts.
A lot of old accoutrements.
A lot of tent poles.
4 bars and 50 lb. lead.
2 old drums, and 2 drum shells.
4 boxes of fixed musket cartridges.
$\frac{1}{2}$ ream cartridge paper.
1 musket scraper.
1 wormer.
2 iron pots, 4 axes.

1 drawing-knife, 1 saddle.
4½ sets old artillery harness.
1 emery wheel and fixtures.
1 tackle and falls, 2 oil kegs.
1 tin oil cann or box.
1 pair steelyards.
176 rounds case shot, 12 pdr.
A barrel containing old gun and parts of locks.
1 barrel cannon powder.
10 packing boxes.

In the Arsenal at Canandaigua, Colonel Heyward, keeper.

2 iron 12 pdrs. mounted.
2 travelling carriages for do. with ammunition boxes complete.
2 rammers and sponges.
1 ladle and worm.
2 portfire cases.
1 powder-horn and gunner's belt.
1 tube box and strap.
2 gunner's gimblets and stalls.
2 haversacks.
2 portfire stocks.
2 gunner's hammers.
2 sets dragropes.
2 tarpawlings.
1 tar bucket.
2 trail staves.
15 lb. slow match.
A lot of old tin.
522 cannon shot, 6 pdrs.
900 do 3 "
12 old infantry tents, formerly used by the 1st rifle regiment of Monroe county.

STATE OF NEW-YORK,
COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

An Abstract Account of Cannon, Arms, &c. in the possession of Artillery Companies, Corps, &c. &c. January 1, 1829.

5 iron 9 pdr cannon, mounted.
34 " 6 do do
4 " 6 do not mounted.
7 brass 9 do mounted.
56 " 6 do do
5 " 4 do do
50 " 3 do do
2 " 2 do do
169 field artillery carriages, with ammunition boxes complete.
172 sets implements for cannon.
172 sets gunner's equipments.
6 caissons.
18 tumbrils.
2 ammunition wagons.
A large quantity of artillery harness.
34 postillion saddles.
99 muskets.
57 rifles.
128 bayonet boxes and belts.
121 cartridge boxes and belts.
22 pairs horseman's pistols.
118 artillery swords.
40 sword belts.
66 tarpawlings for field-pieces.
1 drum, 2 fifes.
2 rifle moulds.
28 common infantry tents.
6 wall tents with poles, &c.

S. N. Y. COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[*For pages* 248 *to* 296 *inclusive, see* Tables D. E. F. G. H. I. and K. (Sig. I. K. L. M. N. O. and P.)]

Of Smk, in the posses-
9.

Date of	Sword belts.	Drums.	Fifes.	Bullet moulds.	Infantry tents.	Wall tents.
1816	40	...	...	...	.....	...
	...	...	...	...	....	...
1816	...	...	...	2	.....	...
	...	...	...	...	.....	...
1816	...	...	...	...	.....	...
1820	...	...	...	...	.....	...
	...	...	...	...	.....	...
	...	1	1	...	.....	...
1825	...	...	...	...	16	2
1827	...	...	...	...	16	2
	...	...	...	...	12	4
	40	1	1	2	28	8

[*Sig.* I.]

RAL'S OFFICE.
329.

M. MUIR,
ommissary-General.

(D.)

A RETURN

Of Small Arms and Munitions of War, the property of the State of New-York, in the possession of Companies, Individuals, &c. &c. up to January 1, 1829.

[Sig. I.]

Date of issue.	COUNTY.	NAME OF OFFICER OR INDIVIDUAL.	Muskets.	Rifles.	Bayonets.	Cartridge boxes and belts.	Bayonets and belts.	Pairs pistols.	Swords.	Sword belts.	Drums.	Fifes.	Bullet moulds.	Infantry tents.	Wall tents.
1816, July	Richmond,.....	Simon S. Perine and R. C. Carey,.....	....	....	....	....	....	15	18	....	...	...	...	....	...
		Ashbury Crocheron, ...	....	....	....	....	....	....	40	40	...	...	...	....	...
		Peter Tysen, ...	....	....	....	....	....	....	60	....	...	...	...	....	...
1816,	Essex, ...	J. Weyman, and others, (remaining,)	....	7	....	8	....	....	....	....	...	...	2	....	...
		Wm. H. Pierce, Wm. B. Ross, &c.	....	....	....	....	....	7	....	....	...	...	...	....	...
1816,	Clinton, ...	Major A. C. Flagg, and others, ...	...	50	....	....	....	....	....	....	...	...	...	....	...
1820,	Cayuga,.....	Auburn State Prison guard,.....	73	....	73	73	73	....	....	....	...	...	...	....	...
	Herkimer, ...	S. Holmes, and others, (remaining,)	1	....	2	2	3	....	....	....	...	...	...	....	...
	New-York, ...	Extra State Prison guard,.....	....	....	....	20	20	....	....	....	1	1	...	....	...
1825,	West-Chester,...	State Prison guard,.....	25	....	25	25	25	....	....	....	...	...	...	16	2
1827,	Monroe,.....	Col. O. Strong, 1 Rifle regt.	....	....	....	....	....	....	....	....	...	...	...	16	2
		Col. B. H. Brown, West do.	....	....	....	....	....	....	....	....	...	...	...	12	4
		Total,.....	99	57	100	128	121	22	118	40	1	1	2	28	8

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE.
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

Of C ring the year

DA

		Field carriages.	Sets implements.	Sets Gunners' equipments.	Prolonges.	Bricoles.
1828, M						
J	....	....	....	....	....	....
A	....	....	....	....	....	....
O	....	....	....	....	....	....
D	....	....	....	....	....	....
	. 20	20	20	40	320	
	1 2	2	2		....	
	1 22	22	2	40	320	

FICE,

R,
ary-General.

(E.)

A RETURN

Of Ordnance, Arms and Munitions of War, received in the State Arsenals, during the year ending 31st December, 1828.

[Sig. K.]

DATE.	FOR WHAT PURPOSE RECEIVED, OR FROM WHOM PURCHASED.	Bass drums.	Snare drums.	Fifes.	Bugles.	Drum slings.	Muskets.	Rifles.	Old sets accoutrements.	Cannon balls. For 6 pounders.	Cannon balls. For 3 pounders.	Ordnance. Six pdrs., brass.	Ordnance. Four do.	Field carriages.	Sets implements.	Sets Gunners' equipments.	Prolonges.	Bricoles.
1828, May 16,	Purchased of Meacham & Pond, to supply requisitions of infantry brigades,	6	24	48	6	64	....	....	....	....	....	....	....	....	....	....	....	....
June "	From Col. Harsen, agent of state prison, New-York,	....	...	....	....	....	29	....	27	....	....	....	....	....	....	....	....	....
Aug. 4,	From United States, as pattern rifle,	....	....	....	....	....	....	1	....	....	....	....	....	....	....	....	....	....
Oct. 6,	Purchased to supply requisitions of Artillery companies for practice,	....	....	....	....	....	....	....	....	2240	1470	....	....	....	....	....	....	....
Dec. 26,	From the United States, on account of quota of arms under the act of Congress of 1808, for arming militia,	....	....	....	....	....	....	....	....	....	....	20	....	20	20	20	40	320
29,	From United States, on account of issues made during the late war,	....	....	....	....	....	....	....	....	....	....	1	1	2	2	2		....
	Total,	6	24	48	6	64	29	1	27	2240	1470	21	1	22	22	2	40	320

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

Return[illegible]s and Instruments
of M[illegible]tate of New-York,
and

[Sig. L.]

DATE.	Six pound brass ordnance.	Field carriages.	Sets implements.	Sets gunners' equipments.	Drag-ropes.	Old gun carriages.	Old muskets and parts of do.	Camp kettles.	Old tents.
1828,	..	..	..	..	..	....	....	..	..
	..	..	..	..	..	....	....	..	..
	..	..	..	..	..	....	....	..	..
	1	1	1	1	1	a lot	...	..	..
	..	..	..	..	..	....	....	6	4
[illegible]	..	..	..	..	..	....	...	..	..
	..	..	..	..	..	....	*99	..	*8
[illegible]	1	1	1	1	1	a lot	99	6	12

At Batavia and Watertown.

[illegible]AL'S OFFICE,
[illegible]29.

[illegible]M. MUIR,
[illegible]*mmissary-General.*

(F.)

AN ABSTRACT

Return of issues of Ammunition to Artillery Companies for practice; of Colours and Instruments of Music to Infantry Brigades; of Ordnance, &c. &c. the property of the State of New-York, and made during the year ending 31 December, 1828.

DATE.	TO WHOM, AND FOR WHAT PURPOSE ISSUED.	*Colours and Instruments of Music.*						*Powder and Cannon Balls.*									*Ordnance.*											
		Colours.	Bass drums.	Snare drums.	Fifes.	Bugles.	Drum slings.	Barrels.	Half barrels.	Quarter casks.	Nine pounds.	Six pounds.	Four pounds.	Three pounds.	Muskets.	Rifles.	Six pound brass ordnance.	Field carriages.	Sets implements.	Sets gunners' equipments.	Drag-ropes.	Old gun carriages.	Old muskets and parts of do.	Camp kettles.	Old tents.
1828,	Issued to Infantry brigades,	3	....	18	19	6	18	....	....	....	....	....	....	....	....	..	..	..	..	..	..	....	....	..	..
	Issued to Artillery companies,	....	....	....	....	....	....	12	23	217	36	715	10	465	...	..	..	..	..	..	..	....	....	..	..
	Sold for account of the State,	....	....	....	....	....	....	....	....	....	....	....	....	....	13	..	..	..	..	..	..	....	....	..	..
	Issued to Artillery companies,	....	....	....	....	....	....	....	....	....	....	....	....	....	...	..	1	1	1	1	1	alot	...	..	..
	Used in the service,	....	....	....	....	....	....	....	....	....	....	....	....	....	...	..	..	..	..	..	..	....	...	6	4
	Sold by N. Follet, Batavia,	....	....	....	....	....	....	....	....	....	....	....	....	....	...	1	..	..	..	..	..	....	...	..	..
	Error in former return at Batavia,	....	....	....	....	....	....	....	....	....	....	....	....	....	...	..	..	..	..	..	..	....	*99	..	*8
	Total,	3		18	19	6	18	12	23	217	36	715	10	465	13	1	1	1	1	1	1	a lot	99	6	12

* At Batavia and Watertown.

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[Sig. L.]

		20				
				12		
		10				
		20				
4						
5						
17	36	715	10	465		

RAL'S OFFICE.
29.

M. MUIR.
Commissary-General.

[*Sig.* M.]

(G.)

A RETURN

Of Ammunition issued to Artillery Companies and Corps for practice, during the year ending 31st December, 1828, shewing date of the issue, and name of officer.

DATE.	REGIMENT.	NAME OF OFFICER.	Powder.			Cannon balls.					
			Barrels.	Half barrels.	Quarter casks.	Nine pounders.	Six pounders.	Four pounders.	Three pounders.	Port-fire.	Slow-match.
1828, January 3,	22d,	Capt. J. D. Cleveland,			1				12		
"	5th,	Thomas,	1		1						
5,	13th,	Col. Alex. Ming, jun.			2					2	1
19,	2d,	Gideon P. Hewitt,			2						
February 11,	5th,	Albany Uniform Corps,	1	1							
13,	5th,	Maj. James Gibbons,	2								
"	7th,	P. H. Pearce,			2		12				
16,	3d, 11th and 13th,	Issued in conformity to the orders of com. in chief in consequence death Gov. Clinton,	6	1							
18,	25th,	Capt. Wm. J. Wood,			2					2	1
22,	3d,	Col. Sandford,			2						
23,	28th,	Capt. Isaac A. Thompson,			2						
March 11,	1st,	Joseph Stevens,		1	1		12				
28,	7th,	Orrin Strong,			2		10				
April 5,	12th,	Daniel Waters,		1	1		25				
10,	10th,	A. C. Nevin,			2				16	2	
14,	23d,	Alpheus Keis,			2		12				
17,	24th,	Rite Lillebrant,			2		20				
21,	7th,	Jona. A. M'Elvain,		1	1		10				
24,	30th,	Wm. H. Bull, (omitted 1827,)			2		8				
25,	20th,	Z. Williams,			2						
"	20th,	Jehiel W. Taylor,		1	1						
"	21st,	Chauncey Redway,		1	1		10				
29,	15th,	Martin Spear,		1	1						
May 4,	15th,	Orrin Tucker,		1	1		10				
6,	23d,	Jared Truman,			2						
8,	18th,	O. Phelps,			2						
18,	25th,	Wm. J. Wood, (omitted,)			2		15				
"	25th,	Jno. W. Lent,		1	1		15				
	15th,	Thos. Kershall, jun.			2						
19,	18th,	Benjamin Joy,			2						
23,	17th,	John A. Arthur,			1				12		
26,	Horse Artillery,	Daniel Kellog,			2	12					
28,	12th,	Hez. B. Sprague,	1			12			12		
June 2,	17th,	Daniel Phelps,			1						
7,	16th,	Ulysses Tracy,			2						
12,	6th,	Jonas H. Miller,			1				2	1	
"	25th,	John H. Thompson,		1	1						
14,	15th,	John Putnam,			1				10		
19,	24th,	Ellis Brown,			1				12		
"		J. V. L. Overbagh,			2						
"	4th,	Leon'd. Maison,			2				12	2	1
24,	4th,	John Berry,			1				12		
"		Olney F. Wright,			2		12			2	1
26,	12th,	Orren Ferris,			1				12		
	5th,	Asaph Brown,			2		12				
30,	25th,	Jabez Goddard,			2		20				
July 1,	Volunteer Comp.	Geo. W. Chapman,		1						2	1
5,	23d,	Geo. W. Gunn,		1	1						
6,	24th,	A. C. Smith,			2		24				
13,	31st,	Col. John Constantine,			4						
"	16th,	Capt. John Willey,			2						
16,	16th,	Caleb Lincoln,			2						
	16th,	Robert Hevet,			2						
17,	5th,	Ralph Olmsted,		1	1	12				2	1
"	25th,	Hubbard Rice,			2		20				
18,	18th,	Hiram Heath,			1				12		
"	22d,	Albert Wright,			1				12		
"	25th,	Humphrey Palmer,			2		20				
"	21st,	John Lawson,		1	1		10				
20,	26th,	Wm. S. Benseley,			1				12		
22,	31st,	Giles R. Crary,			2		20			2	1
23,	16th,	Gurden Hicks,			2						
"	12th,	Wm. Spoonenburg,			2		12				
31,	20th,	Robert L. Fleming,			2		12				
August 2,	1st Horse,	Charles Poling,			1				22	2	1
5,	1st,	John B. Turner,		1	1						
6,	26th,	John Smith,			2		12				
10,	26th,	A. W. Hackley,			1				12		
"	21st,	John Merrill,			1				12		
11,	26th,	O. Osborne,			2				20		
	30th,	Andy L. Smith,			2		10				
12,	7th,	Wm. Bingham,		1	1		12				
14,	12th,	Ebenezer Shelden,			1				10		
15,	26th,	Abram Randall,			1				15		
16,	31st,	Jas. Duflong,			2				20	3	2
"	1st Horse,	Harvey Barger,			1				20		
19,	1st,	Wm. Hollister,			2		12				
21,	15th,	Wm. L. Palmer,			1				6		
22,	13th,	Silas Horton,		1	1		12				
"	6th,	Geo. Niven, jun.			2		20			2	1
25,	1st,	David E. Everest,			2				26		
"	1st,	Adam Fonda,			2			10			
26,	5th,	Jacob Featherly,		1	1		20				
30,	22d,	Daniel D. T. Chandler,			2		20				
"	5th,	Asaph Preston,			2		20				
"	26th,	Samuel Bucks,			1				12		
"	1st,	W. Kingsley,			2		10				
31,	19th,	Geo. A. Shepherd,			2						
"	19th,	Othneal Hall,			2						
"	19th,	Stephen Rice,			2		20				
"	19th,	Calvin Blood,			2						
September 3,	7th,	Hollis Scott,			2		20				
"	29th,	Peter Kinear,			1				12		
"	29th,	Lucean Rowe,			2		12				
"	21st,	Nathan Wright,		1	1		20				
5,	33d,	John Wright,			1						
8,	1st Horse,	E. F. Arcularius,			2				20	2	1
10,	31st,	Col. John Constantine,			4		30			4	2
"	11th,	T. W. Burtis,			4		30			4	2
"	5th,	Capt. David F. Rees,		1	1		20				
11,	22d,	J. R. Cleveland,			1				20		
"	22d,	Gideon Gifford,			1				12		
13,	23d,	Prentice Field,			2						
16,	22d,	Robert Bull,			1				12		
17,	30,	Col. Charles W. Sandford,			6						
18,	24th,	Capt. Corns. Osterhout,			2						
24,	18th,	Ebenezer Terry,			1				12		
25,	20th,	Wm. Church,			1						
"	20th,	Cyrus Salsbury,			1						
"	21th,	Abijah Odell,			1		12				
"	1st Horse,	L. Wiseburn,			2				20	2	1
30,	6th,	Jno. Herning,			2				12		
October 2,	15th,	J. Stafford,			1				10		
6,	6th,	Richard Covell, jun.			1		12				
"	6th,	Henry R. Bristoe,			2		10				
"	6th,	R. C. Schermerhorn,			1		20				
15,	21st,	Alanson Fisher,			2		10				
"	1st Horse,	Cornelius Woglaw,			2				20	2	1
17,	13th,	Almarin Barnes,		1	1		10			2	1
22,	30th,	Wm. H. Bull,			2						
29,	4th,	Wm. J. Magee,			2					2	1
"	11th,	Rob. Crooks,			2		20			2	1
November 7,	31st,	J. B. Elmendorf,			2					2	1
"	11th,	John Paul,			2					2	1
19,	25th,	Abel Daylon,			1					2	1
20,	Volunteer Comp.	Geo. W. Chapman,		1	1					3	1
"	31st,	Col. Jno. Constantine,			4					4	2
26,	14th,	W. W. Tompkins,			2						
"	27th,	Levi Hart,			2						
"	9th,	Jas. Lefferts,			4						
"	2d,	Jas. H. Hart,			5						
		Total,	12	23	217	36	715	10	465		

STATE OF NEW-YORK—Commissary-General's Office.
New-York, January 20, 1829.

ALEXANDER M. MUIR.
Commissary-General.

[*Sig.* M.]

Infantry Bri-
n compliance
t of the Re-

Snare drums.	Fifes.	Bugles.	Drum slings.
3	4	....	4
....	....	2	....
1	....	....	....
2	3	4	2
12	12	....	12
18	19	6	18

[Sig. N.

OFFICE,

IUIR,
missary-General.

(H.)

A STATEMENT

Shewing the number of Colours and Instruments of Music, issued to Infantry Brigades of the Militia of the State of New-York, during the year 1828, in compliance with the 15th Section, 2d Article, Title 8, Chap. X. of the First Part of the Revised Statutes, relating to the Militia.

NAME OF COMMANDING OFFICER.	*No. of Brigade.*	COUNTY.	Stand colours.	Bass drums.	Snare drums.	Fifes.	Bugles.	Drum slings.
Brigadier-General Stewart,	Ninth,	Saratoga,	....	....	3	4	....	4
" " Dunning,	Nineteenth,	Orange,	....	....	....	....	2	....
" " William Covell,	Seventeenth,	Washington,	....	....	1	....	....	....
" " Wheeler Gilbert,	Thirtieth,	Dutchess,	3	....	2	3	4	2
" " Daniel Le Fever,	Thirty-fourth,	Ulster,	....	....	12	12	....	12
		Total,	3		18	19	6	18

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[*Sig.* N.]

.....	1 do	
.....	1 do	
.....	1 do	
.....	1 do	
.....	1 do	
.....	1 do	
.....	1 do	
.....	1 do	

DER M. MUIR,
Commissary-General.

[*Sig.* O.]

(I.)

A STATEMENT

Of the applications on file, in the office of the Commissary-General, made by officers of Artillery Companies, for field pieces, but which have not yet been furnished, January 1, 1829.

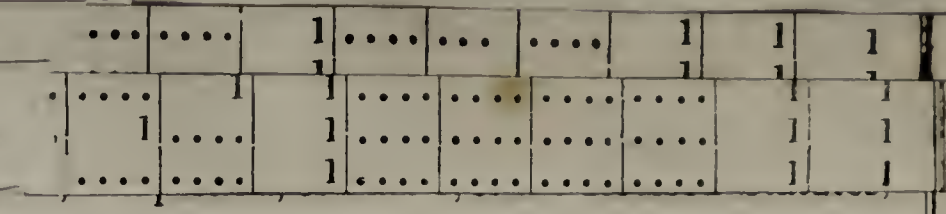
NAME OF OFFICER.	TOWN.	COUNTY.	REGIMENT.	NUMBER OF PIECES REQUIRED.
General H. Arcularius,	City of New-York,	New-York,	1st Regt. Horse Artillery,	6 pieces.
Captain P. Harkie, or Captain Osterhout,	Cobleskill,	Schoharie,	Horse Artillery,	1 do
	Schenectady,	Schenectady,	Artillery,	1 do
Captain L. Maison,	Poughkeepsie,	Dutchess,	4th regt. Artillery,	1 do
Captain Rider,	Rensselaerville,	Albany,	5th do	1 do
Jno. Smith,	Greenville,	Greene,	5th do	1 do
T. F. Horton,	Palmyra,	Wayne,	5th Horse Artillery,	1 do
Moses Cleveland,	Canandaigua,	Ontario,	5th do	1 do
Montgomery Vosburgh,	Penfield,	Monroe,	5th do	1 do
Geo. H. Brown,	Rochester,	Monroe,	5th do	1 do
Artemas Doane,	Arcadia,	Wayne,	5th do	1 do
Dennis Lush, or Simon Bristol,	Phelps,	Ontario,	5th do	1 do
	Pittsford,	Monroe,	5th do	1 do
From Capt. Yvonnett,	Troy,	Rensselaer,	6th do	1 do
John Bristoe,	Sand Lake,	Rensselaer,	6th do	1 do
Barnet C. Schermerhorn,	Schodack,	Rensselaer,	6th do	1 do
John W. Pitts,	Chatham,	Columbia,	do	1 do
Hiram Woods,	Hoosick,	Rensselaer,	6th do	1 do
Charles B. Dutcher,	Spencertown,	Columbia,	6th do	1 do
	City of Hudson,	Columbia,	6th do	1 do
Captain Heath,	Friendship,	Allegany,	7th do	1 do
Wm. Curtis,	Turin,	Lewis,	8th do	1 do
Bezatiel Thayer,	Mexico,	Oswego,	8th do	1 do
Daniel Barsett,	Gouverneur,	St. Lawrence,	do	1 do
Horatio Moore,		St. Lawrence,	do	1 do
By Major Niven	Bloomingburgh,	Orange,	10th do	1 do
R. Graham,	Newburgh,	Orange,	10th do	1 do
Samuel Bayley,	Ridgeway,	Orange,	10th do	1 do
Col. W. T. Burtis,	City of New-York,	New-York,	11th do	4 do
	Bedford,	Westchester,	13th do	1 do
Captain Cowan,	City of New-York,	New-York,	14th do	2 do
Joseph S. Palmer,	Brookfield,	Madison,	15th do	1 do
Captain Stafford,	Fenner,	Madison,	15th do	1 do
General De Forest,		Chenango,	Horse Artillery,	2 do
Col. Charles M. Watson,	Port Kent,	Clinton,	17th regiment,	3 do
Capt. Geo. Fisher,	Spencer,	Tioga,	18th do	1 do
Capt. Smith,	Richmond,	Ontario,	19th do	1 do
Joseph A. Miller,	Newark,	Wayne,	19th do	1 do
Lyman Cumming,	Naples,	Ontario,	19th do	1 do
John L. Dox,	Geneva,	Ontario,	19th do	1 do
Michael Frink,	Virgil,	Cortland,	20th do	1 do
Jos. A. S. Austin,	Harperville,	Delaware,	24th do	1 do
Jared Truman,	Trumansburgh,	Tompkins,	23d do	1 do
Stephen Cook,	Waterloo,	Seneca,	23d do	1 do
Geo. Shaw, or Jno. Hersha,	Sterling,	Cayuga,	23d do	1 do
Isaac I. Lewis,	Wheatland,	Monroe,	25th do	1 do
Aretus Pierce,	Holly,	Orleans,	25th do	1 do
Samuel Buck,	Russia,	Herkimer,	26th do	1 do
A. W. Hackley,	Herkimer,	Herkimer,	26th do	1 do
John Smith,	Stark,	Herkimer,	26th do	1 do
Asa Frink,	Rome,	Oneida,		1 do
Thomas Rose,	Manlius,	Onondaga,		1 do
Jno. H. Skillenger,	Ludlowville,			1 do
Russel Hubbard,	Syracuse,	Onondaga,	Allowed to 147th Infantry,	1 do
Aaron Quinby,	Camillus,	Onondaga,	To 16th Infantry,	1 do
By Major C. C. Smith,	Lockport,		28th do	1 do
	Niagara,		28th do	1 do
Thomas N. Lee,	Middleport,	Niagara,	28th do	1 do
Moses Parmele,	Freedom,	Allegany,	30th do	1 do
A. Hielman,	Pike,	Allegany,	30th do	1 do
Col. Constantine,	City of New-York,	New-York,	*31st do	8 do
				80 pieces.

* These are in lieu of 8 pieces given up by the officers of this regiment, to oblige companies in the country, to whom, during the past season, they have been issued.

STATE OF NEW-YORK—COMMISSARY-GENERAL'S OFFICE,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[*Sig.* O.]



ORK—Commissary-General's Office,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[*Sig.* P.]

(K.)

A RETURN

Of Field Pieces, &c. in the possession of Artillery Companies of the Militia of the State of New-York, January 1, 1829.

COUNTY.	REGIMENT.	NAME OF THE LATE OR PRESENT COMMANDANT OF THE COMPANY.	CANNON.												
			Iron.		*Brass.*										
			9 pdrs.	6 pdrs.	9 pdrs.	6 pdrs.	4 pdrs.	3 pdrs.	2 pdrs.	Gun carriages.	Tumbrils.	Caissons.	Waggons.	Sets harness.	Sets implements.	Sets gunners' equipments.
New-York,	1st of Horse,	Captain Corns. Woglaw,						1		1		1		3	1	1
		" Lewis Wiseburn,						1		1		1		3	1	1
		" Henry Barger,						1		1		1		3	1	1
		" E. F. Areularius,						1		1		1		3	1	1
Richmond,		" D. L. Clauson,						1		1			1	3	1	1
Kings,		" Chas. Poling,						1		1		1		3	1	1
Saratoga,	1st Foot,	" W. Hollister,				1				1				1	1	1
		" W. Kingsley,				1				1				1	1	1
		" Job Mulfore,		1						1				1	1	1
		" Jno. B. Turner		1						1				1	1	1
		" Joseph Stevens,				1				1				1	1	1
Montgomery,		" Adam Fonda,					1			1				1	1	1
		" David C. Everest,						2		2				2	2	2
Schenectady,	2d R., 11th Artil.	" Cornelius Ousterhout,				1				1				1	1	1
Montgomery,		" P. Lampman,						2		2				1	1	1
		" H. J. Dieffendorf,						1		1				1	1	1
		" H. Ehle,				1		1		2				2	2	2
New-York,	3d,	" C. J. Cauldwell,				2				2	1			3	2	2
		" Daniel Sparks,				1				1	1			2	2	2
		" E. Phillips,			1					1	1			2	1	1
		" E. D. Haiveland,			1					1	1			2	1	1
		" Jas. Vandenbergh,				2				2			1	3	2	2
		" T. M'Kenney,				1				1				2	1	1
Dutchess,	4th,	" P. Van Wyek,		1						1				2	1	1
		" Wm. A. Jarvis,						1		1				1	1	1
		" Leon'd. Maison,*						1		1				1	1	1
		" Benj. Sharpsteen,						1		1				1	1	1
		" W. J. Magee,				1				1				1	1	1
Putnam,		" Jno. Berrey,*						1		1				1	1	1
Albany,	5th,	" A. Preston,				2				2				2	1	1
		" Geo. C. Watson,				2				2				2	1	1
Schenectady,		" D. F. Rees,				1				1				1	1	1
Albany,		" Asaph Brown,		1						1				1	1	1
		" J. Albright,				1				1				1	1	1
Rensselaer,	6th,	" John Henning,						1		1				1	1	1
		" R. Covill, jr.				1				1				1	1	1
Columbia,		" Geo. M. Shelden,				1				1				1	1	1
		" Geo. Niven, jr.				1				1				1	1	1
Greene,		" Jonas H. Miller,				1				1				1	1	1
		" Eliakim Briggs,		1						1				2	1	1
		" Ralph Olmstead,	1							1					1	1
		" Olney F. Wright,†		1						1					1	1
Ulster,		" J. Overbaugh,†		1						1					1	1
Allegany,	7th,	" Calvin Lewis,‡		1											1	1
		" Hollis Scott,‡		1											1	1
Genesee,		" Wm. Bingham,*†		1						1					1	1
		" J. A. M'Elvain or Ben. H. Pearce,		1						1					1	1
Oneida,	8th,	" Philo Hart,						1		1					1	1
		" J. C. Wetmore,				1		1		2					2	2
		" Jesse Armstrong,				1				1					1	1
		" Jno. W. Pearce,		1						1					1	1
		" R. B. Heacock,		1						1					1	1
Orange,	10th,	" A. C. Niven,						1		1					1	1
New-York,	11th,	" Alex. Diver,			2					2	1			3	2	2
		" Elias Hunt,			1					1	1			3	2	2
		" S. C. Mott,			1					1	1			2	1	1
		" John Paul,	1							1	1			2	1	1
		" Robert Crooks,				2				2	1			3	1	1
	V. C.	" Geo. W. Chapman,	1							1	1			2	1	1
Otsego,	12th,	" Albigence Waldo,						1		1				1	1	1
		" Orra Ferris,*						1		1					1	1
		" Daniel Waters,*		1						1					1	1
		" H. B. Sprague,			1			1		2					2	2
		" Ebenezer Shelden,*						1		1					1	1
		" Cornelius Voorhees,						1		1					1	1
Westchester,	13th,	" David W. Lyon,						1		1	1				1	1
Richmond,		" John Johnson, jr.					1			1					1	1
Westchester,		" Philip T. Taber,						2		2					2	2
		" Almarine Barnes,				1				1					1	1
		" Silas Horton,*				1				1					1	1
		" Richard M. Conklin,						1		1					1	1
New-York,	14th,	" " Betts,							1	1	1				1	1
Madison,	15th,	" Martin Spear,		1						1					1	1
		" James Kershall,*				1				1					1	1
		" O. Tucker,*				1				1					1	1
		" J. Putnam,				1				1					1	1
		" Jos. Stafford,						1		1					1	1
		" Wm. L. Palmer,*						1		1					1	1
	11th Artillery,	" Wm. G. Woodworth,						1		1					1	1
		" J. Brown,						1		1					1	1
Chenango,	16th,	" W. Tracy,				1				1					1	1
		" Gurdon Hicks,				1				1					1	1
		" John Wiley,		1						1					1	1
		" Caleb Lincoln, Robert Hevit,														
Essex,	17th,	" John A. Arthur, *						1		1					1	1
Clinton and		" Isaac Jones,														
Franklin,		" Daniel Phelps,					1			1					1	1
Tompkins,	18th,	" Ebenezer Terry,						1		1					1	1
		" Cyrus Phelps,		1						1					1	1
		" Benjamin Joy,				1				1					1	1
		" Hiram Heath,						1		1					1	1
		" Geo. Gunn,				1				1					1	1
Tioga,	19th,	" Jonathan Burrit,		1						1					1	1
		" Othneal Hall,				1				1					1	1
		" Stephen Rice,*				1				1					1	1
		" A. G. Shepherd,				1				1					1	1
Yates,		" A. P. Vosburgh or C. Blood,				1				1					1	1
Broome,	20th,	" Joseph B. Abbott,				1				1					1	1
		" Cyrus Salisbury,*							1	1					1	1
Cortland,		" Wm. Church,*						1		1					1	1
		" Zoberia Williams,				1				1					1	1
		" Jehiel W. Taylor,		1						1					1	1
		" John B. Holmes,				1				1					1	1
Tioga,		" Robt. L. Fleming,		1						1					1	1
Jefferson,	21st,	" Nathan Wright,				1				1					1	1
		" Chauncey Redway,				1				1					1	1
		" John Lauton,		1		1				2					1	1
St. Lawrence,		" Orren Strong,		1						1					1	1
		" Alanson Fisher,		1						1					1	1
		" Daniel Ogsbury,†		1						1					1	1
Washingtnn,	22d,	" D. T. Chaudle,				1				1					1	1
		" J. R. Cleveland,					1			1					1	1
		" Robert Bull,						1		1					1	1
		" Albert Wright, or Gideon Gifford,						1		1					1	1
Cayuga,	23d,	" Geo. W. Gunn,				1				1					1	1
		" John Wright,						1		1					1	1
		" James Ashton,						1		1					1	1
		" Alpheus Keis,†		1						1					1	1
Seneca,		" H. M. Schooley,				1				1					1	1
		" Prentis Field,		1						1					1	1
Delaware,	24th,	" Ansel C. Smith,		1						1					1	1
		" Abijah Odell,*				1				1					1	1
		" Alles Brown,						1		1					1	1
Schoharie,		" John Merrill,						1		1					1	1
		" P. Lellebrand or Cor. Ousterhout,		1						1					1	1
Monroe,	25th,	" John H. Thompson,*		1						1					1	1
		" H. Palmer,‡		1											1	1
Livingston,		" Jabez Goddard,‡		1											1	1
Orleans,		" Hubbard Rice, *†		1						1					1	1
Genesee,		" John W. Lent,		1						1					1	1
		" W. J. Wood,		1						1					1	1
Herkimer,	26th,	" Walter Robson,					1			1					1	1
		" O. Osborn,						2		2					2	2
		" Wm. S. Benseley,*						1		1					1	1
		" Wm. Spoonenburgh,*				1				1					1	1
		" Abm. Randall,						1		1					1	1
Chautauque,	28th,	" Isaac A. Thompson,*				1				1					1	1
Erie,		" Leonard P. Crary,		1						1					1	1
Onondaga,	29th,	" Levi Pitts or Robert Hevet,		1						1					1	1
		" Peter Kennie,						1		1					1	1
		" Lucien Rowe,				1				1					1	1
		" Daniel Kellogg,	1							1					1	1
		" John Arnold,†				1				1					1	1
Steuben,	30th,	" Wm. H. Bull,*				1				1					1	1
		" Samuel L. Begelow,		1						1					1	1
		" Andy L. Smith,		1						1					1	1
New-York,	31st,	" Giles R. Crary,	1							1	1				1	1
		" J. B. Elmendorf,				2				2	1				1	1
Kings.		" James Duflong,						2		2	1				1	1
		Total issued to companies,	5	38	7	56	5	50	2	159	18	6	2		200	200

* From whom only have reports been received, in compliance with the 14th Section, of 2d Article, of Title 8, Chapter X., of Part 1, of the Revised Statutes, relating to the militia and public defence.

† Issued the present year.

‡ These pieces were issued without carriages.

STATE OF NEW-YORK—Commissary-General's Office,
New-York, January 20, 1829.

ALEXANDER M. MUIR,
Commissary-General.

[*Sig.* P.]

(L.)

ACCOMPANYING REMARKS.

The commissary-general respectfully refers to his general return, and the accompanying tables, as presenting a view of the department confided to his care.

During the past season, he has visited all the arsenals belonging to the state, in which there is a deposite of arms or munitions of war, (except the one at Russell,) and reports the arms fit for service, the property contained in them in a state of preservation, and the buildings generally in good order.

In the month of December last, there were received from the United States, forty-two brass cannon, with their field carriages, implements, and gunner's equipments complete; forty of which are in payment of this state's quota of arms, under the act of congress of 1808, for arming and equipping the militia; and the other two pieces were received as a payment on the old unsettled account for issues made to the militia in the service of the United States during the late war. These cannon are designed to supply, as far as they will do it, the destitute artillery companies at present organized, (for a statement of the applications, see Table I.;) and are about half the number required to enable the department to furnish each company with a field-piece.

The return of field ordnance in the possession of artillery companies, (Table K.) may not be correct; but it is as perfect as it was possible to make it, from the few and imperfect returns received from commandants of companies, in compliance with the law on the subject.

The state fortifications on Staten Island remain in much the same situation as when I made my last annual report. In the hope that a sale of these extensive works would be made to the general government, no expense (of any amount) has been incurred upon them during the last two or three years. If they are to remain the property of the state, the walls of Fort Tompkins ought to be finished, or more permanent coverings erected to preserve them from dilapidation.

The duties required of the commissary-general, under the revised statutes (by the organization of artillery companies and corps, issues of ammunition, constant accession of arms, ordnance and other property,) have been so very much increased, that he submits, with great deference, to his excellency the Governor, and through him to the Legislature, his claim to an increase of salary, adequate to the services required of him, and of his responsibilities in the amount of property entrusted to his keeping.

Respectfully submitted,
ALEXANDER M. MUIR,
Commissary-General.

S. N. Y. Commissary-General's Office,
New-York, January 20, 1829.

INDEX TO THE TABLES.

A. General Return.
B. Return in detail of the property in the several arsenals.
C. Recapitulation of property of the state, &c. &c.
D. A return of small arms in the possession of companies, &c. &c.
E. A return of property received into the arsenals during 1828.
F. A general abstract account of property issued during 1828.
G. A detailed return of ammunition issued to artillery companies for practice.
H. A statement of instruments of music issued during 1828.
I. A statement of applications on file in com. general's office for field-pieces.
K. A return of field-pieces in the possession of artillery companies, &c.
L. The accompanying remarks.

Ordered, That the said report be referred to the committee on the militia and the public defence, and that the usual number of copies of the same be printed for the use of the legislature.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act concerning jurors residing on the New-Stockbridge tract;" the bill entitled "An act concerning jurors and town-officers in the county of Steuben," and the bill entitled "An act authorising David Reeve to erect a dock in the town of Flushing;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act concerning jurors residing on the New-Stockbridge tract," was referred to a select committee, consisting of Mr. Savage, Mr. Eldridge and Mr. Williams; the bill entitled "An act concerning jurors and town-officers in the county of Steuben," was referred to a select committee, consisting of Mr. Graves, Mr. Fitch and Mr. Phœnix; and the bill entitled "An act authorising David Reeve to erect a dock in the town of Flushing," was referred to a select committee, consisting of Mr. Jones, Mr. Wyckoff and Mr. Williamson, severally to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Norton, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to continue in force the act authorising Russel Atwater and his associates to erect a toll-bridge over the Black river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. P. C. Fuller, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Bakers' benefit society of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hazeltine, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the overseers of the poor of the town of Saranac, to pay over certain monies in their hands to the commissioners of common schools in said town;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Myers, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock to-morrow morning.

WEDNESDAY, JANUARY 28, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Yates, praying for a reduction of the compensation of brigade inspectors, was read, and referred to the committee on the militia and the public defence.

The petition of the trustees of the Literary union society of the town of Ellisburgh in the county of Jefferson, praying pecuniary aid from the state, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the towns of Portland and Ripley in the county of Chautauque, praying for a division of those towns, and the erection of a new town from parts of the same, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Portland in the county of Chautauque, against the contemplated division of the towns of Portland and Ripley, was read, and referred to the committee on the erection and division of towns and counties.

Sundry petitions and documents relating to the extension of the charter of the Rensselaer bridge company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Nathan Underwood and others, of the town of Litchfield in the county of Herkimer, praying for the remission of interest on monies due by them to the state, on the purchase of lot number 64 in Freemason's patent, was read, and referred to the committee on claims.

The petition of Nicholas Mundy and Benjamin Smith, praying that they may be authorised to erect a dam across the Susquehannah river in the town of Tioga, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of Thomas Richards, praying for the passage of a law to authorise him to erect and maintain a dam in the Susquehannah river in the town of Union in the county of Broome, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising Thomas Richards to erect a dam in the Susquehannah river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition and documents of Adonijah Carter, praying for pecuniary relief, reported:

That the petitioner sets forth, that in pursuance of the laws of the United States and this state, he was, in the year 1826, a member of an organized company of artillery, attached to the 62d regiment of the 27th brigade of the 18th division of the militia of this state: That on the 13th day of September in that year, he was duly ordered on militia duty, at a regimental review and inspection, in the township of Tully in said county: That while so on militia duty, and obeying the orders of his superior officers, and in the act of discharging a piece of field ordnance in pursuance of such orders legally given, the cartridge accidentally took fire and exploded; by which means the petitioner's eyes were so much injured, that he is in consequence thereof deprived of the faculty of sight, and the means of procuring a subsistence for himself and a helpless family.

The truth of all these representations is abundantly established, and their rehearsal cannot fail to excite the tender compassion of a humane community. While most civilized governments have cherished the policy of granting pecuniary rewards and bounties to those, and the representatives of those, who risk and sacrifice their lives in the actual defence of their country, as exciting to

deeds of emulation and glory, and strengthening the bonds of allegiance, the committee are not aware that the same policy has obtained towards citizens who in yielding obedience to the laws without the liability to encounter extraordinary dangers, sustain personal injuries by accident or the want of precaution. The establishment of such a principle might lead to consequences which cannot be foreseen. Every citizen engaged in the execution of the laws, or discharging his duty to the state under his general obligations to obedience, and receiving accidental or designed injury in person or property, might claim reparation. The committee have been thus particular in stating the principles on which they have grounded their conclusion, in consequence of having been referred to a report of a select committee, concluding by asking leave to introduce a bill in the journal of the assembly, page 44, for the year 1827, on petition of Wylie Nichols praying for similar relief under similar circumstances, which elicited much discussion and excited general interest. Although the committee in common with their fellow citizens who have united with the petitioner in asking the interposition of the legislature, deeply sympathise in his misfortune, yet they believe that they would be wanting in the faithful discharge of public duty if they yielded to that sympathy. A majority of the committee have therefore directed their chairman to submit for the consideration of the house, the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Ordered, That the said report and resolution be laid upon the table.

Mr. Bradish, from the committee on public lands, to which was referred the petition of sundry inhabitants of Oneida Castleton, praying a re-appraisement of the lands in said village, purchased by them of the state, and that their debts on account of such purchases may be liquidated according to such re-appraisement, reported:

That upon an examination of this subject, it appears that the lands in question were appraised in 1815. That such appraisement constituted the minimum prices in the sale of these lands until the year 1827, but that the sales thereof were actually made at prices greatly above this appraisement. These sales were principally made in the year 1817 and 1821. It is alleged by the petitioners, and such appears to be the fact, that as well the appraisement of 1815, as the high prices at which these lands were sold, were greatly influenced by an expectation of certain important public improvements to be made at and near this village, which would render it a place of considerable business, and thereby greatly enhance the value of real estate therein. But that no such improvements have been made or attempted, but that their idea has been long since altogether abandondoned.

Disappointed therefore in their expectations, the purchasers of these lands did in 1822, present a memorial to the legislature upon the subject, praying relief. On the 20th of February, of that year, an act was passed granting Eliphalet Hotchkiss, one of the said memorialists, the relief then sought; and extending relief also to the other purchasers of those lands. By the provisions of the second section of that act, the debts of those purchasers were, upon certain conditions, to be reduced from the high prices at which the lands were purchased, to the prices at which they were appraised in 1815. And the purchasers on paying that sum, with interest thereon from the time of purchase, were to receive patents of the lands so purchased by them. It further appears that several of the lots, included in the survey and plan of this village, remained unsold; and others which had been sold were abandoned by the purchasers, and had reverted to the state. In consequence of the prospects of this place being greatly changed, it was found impossible to effect a sale of these remaining lots at their valuation of 1815. Under these circumstances, as remarks the surveyor-general in a report upon the subject, made by him to this house the 29th of March, 1828, the commissioners of the land office in 1827, directed a re-appraisement of the unsold lots, and ordered them to be advertised for sale at the minimum prices fixed by such valuation. The sale was held on the 25th of March, 1828, and the result shewed that the last valuation had been judiciously made. By comparing this second appraisement with

that of 1815, according to which the minimum prices had been fixed at the former sales, it appears that the valuation of 1815 exceeds what is now considered the true value of these lands by from 250 to 300 per cent., and in some cases much more. Upon these grounds the present petitioners ask a re-appraisement of the lands in this village appraised in 1815, and purchased by them in conformity therewith; and that their debts to the state on account of such purchases may be adjusted according to such re-appraisement. Upon a view of the whole subject the committee while they recognise it as a sound general rule to hold all purchasers of public property at open sale, to great strictness in the performance of the conditions of their purchase, and would depart from this rule as rarely as possible, and only in very peculiar cases; and if the question were now an original one, they would feel a great difficulty on this occasion in departing from a rule they deem so salutary and so necessary to the preservation of the public interests. Yet considering that the state has already adopted a different course upon these subjects, and considering all the circumstances of the case in question; that the valuation of 1815 and the purchases made in conformity therewith, were based upon expected public improvements to be made at that place; that these improvements have not been made or attempted, but their idea altogether abandoned, and that the just expectations of the petitioners have been thereby greatly disappointed, the committee are unanimously of opinion, that the prayer of the petitioners is reasonable and just, and ought therefore to be granted. They have therefore prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson from the committee appointed pursuant to the 47th rule of this house, and to whom was referred the bill entitled "An act for the relief of the heirs of Christian Guthrie," to examine and report to the house, whether in their opinion the said bill comes within the 9th section of the seventh article of the amended constitution, reported:

That the said bill provides that the commissioners of the land-office shall cause letters patent to be issued to the heirs of the said Christian Guthrie, for six hundred acres of land in the township of Stirling, out of any lands heretofore set apart to satisfy claims for bounty lands, which still remain unappropriated. That it satisfactorily appears that the said Christian Guthrie was a soldier in captain Copp's company, in the first regiment in the New-York line, and was killed in battle near Monmouth, about the first of July, 1778. That he was returned as a dead soldier, and by the name of Christian Gutrick, and to this name lot number nine in Milton was granted. That by reason of such error in the name, the lot escheated to the state in 1820, from a supposed want of heirs. That the soldier returned as Christian Gutrick, was in fact Christian Guthrie, and brother of the persons to be benefitted by said bill; and that they are the heirs at law of the said deceased soldier, Christian Guthrie. That by acts and resolutions of the legislature, they were entitled to bounty lands.—The committee are therefore of opinion that the said heirs have a just claim on the state for said lands—that the grant of them is but the fulfilment of an imperious obligation; that, in the language of their late attorney-general, "the fulfilment of the obligations of the state, contracted by its laws, and the solemn resolutions of its legislature, cannot be considered as embraced within the spirit of that part of the constitution now in question. In such a case, the appropriation instead of being for private purposes, would be for one of the most important of public objects, the performance of an antecedent contract of the state." The committee are of opinion that the bill so referred to them, does not come within the 9th section of the seventh article of the constitution, and that they have directed their chairman to submit to the house the following resolution:

Resolved, That the assent of two-thirds of all the members elected to each branch of the legislature is not required to the passage of the bill entitled "An act for the relief of the heirs of Christian Guthrie."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dickson, from the committee appointed pursuant to the 47th rule of this house, and to whom was referred the bill entitled "An act for the relief of Cornelius Higgins," to examine and report to the house, whether, in their opinion, the said bill comes within the 9th section of the 7th article of the amended constitution, reported:

That the said bill provides for the payment to the said Cornelius, of the sum of two hundred and fifty dollars, with interest from the 1st day of March in the year 1795, in full for services in building a block-house at Salina. That it appears from the petition of the said Cornelius Higgins, and the documents accompanying the same, that he was, in May or June 1794, employed by the agent or agents of this state, to erect the said block-house at Salina, for the benefit of the state; that he did, in the year 1794, build the same; and that it does not appear that he has ever received any compensation whatever for such labour and services.

The claim of the said Cornelius Higgins has been urged by him, and reported by successive committees as a just demand against the state. And the committee are constrained to say, that in their opinion, the said sum of two hundred and fifty dollars and interest, is justly due from the state to said Higgins: And that although the section of the constitution in question intended that a bare majority of the legislature should not be generous in the gratuitous appropriation of the public monies or property for local or private purposes, yet it never intended a bare majority should not be just in the appropriation of such monies or property in discharge of debts due from the state, where its responsibility, faith, and honour were pledged.

The committee are therefore of opinion, that the bill so referred to them does not come within the 9th section of the 7th article of the constitution; and they have directed their chairman to submit to the house the following resolution:

Resolved, That the assent of two-thirds of all the members elected to each branch of the legislature, is not requisite to the passage of the bill entitled "An act for the relief of Cornelius Higgins."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising David Reeve to erect a dock in the town of Flushing," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Graves, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning jurors and town-officers in the county of Steuben," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Savage, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning jurors residing on the New-Stockbridge tract," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the overseers of the poor of the town of Saranac, to pay over certain monies in their hands to the commissioners of common schools in said town;" the engrossed bill entitled "An act to reduce the number of trustees of Fredonia academy in the county of Chautauque," and the engrossed bill entitled "An act to incorporate the Bakers' benefit society of the city of New-York;" and that the same are severally correctly engrossed.

The said engrossed bill, entitled "An act authorising the overseers of the poor of the town of Saranac, to pay over certain monies in their hands to the commissioners of common schools in said town," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to reduce the number of trustees of Fredonia academy in the county of Chautauque," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 104
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hornbeck	Mr. Sanford
Mr. Allison	Mr. Dyckman	Mr. Hubbard	Mr. Sheppard
Mr. Armstrong	Mr. Dygert	Mr. Hubbell	Mr. Skinner
Mr. Arnold	Mr. Edgerton	Mr. Hynds	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Ives	Mr. A. Smith
Mr. Bacon	Mr. Eldridge	Mr. Jenkins	Mr. H. D. Smith
Mr. C. Baker	Mr. Evans	Mr. Johnson	Mr. L. Smith
Mr. E. Baker	Mr. Falley	Mr. Jones	Mr. T. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. Judd	Mr. Soper
Mr. Bogert	Mr. Fitch	Mr. Keith	Mr. Speaker
Mr. Boynton	Mr. Fowler	Mr. Lindsley	Mr. Spier
Mr. Bradish	Mr. Franklin	Mr. C. L. Livingston	Mr. Stanton
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mallory	Mr. Tabor
Mr. Brown	Mr. Gardiner	Mr. Mandeville	Mr. Tailor
Mr. Burt	Mr. Garnsey	Mr. Mathews	Mr. Teller
Mr. Cargill	Mr. Goodman	Mr. M'Crea	Mr. Titus
Mr. Carley	Mr. Gosman	Mr. W. M'Donald	Mr. Tower
Mr. Carrier	Mr. Graham	Mr. Mixer	Mr. J. Van Beuren
Mr. Case	Mr. Gross	Mr. Morell	Mr. Vanderbilt
Mr. Chandler	Mr. J. Hall	Mr. Myers	Mr. Van Wyck
Mr. Collier	Mr. Hammond	Mr. Noble	Mr. Waugh
Mr. Dana	Mr. Hascall	Mr. Norton	Mr. Wheeler
Mr. Davenport	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Dayton	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Defreest	Mr. Holdridge	Mr. Redfield	Mr. Young 104

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to incorporate the Bakers' benefit society of the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 96
NAYS 12

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hubbard	Mr. Sanford
Mr. Allison	Mr. Dean	Mr. Hubbell	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Hynds	Mr. Seeley
Mr. Austin	Mr. Dickson	Mr. Ives	Mr. Sheppard
Mr. Bacon	Mr. Dyckman	Mr. Jenkins	Mr. Skinner
Mr. Bailey	Mr. Dygert	Mr. Johnson	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. E. Baker	Mr. Evans	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Falley	Mr. Lindsley	Mr. T. L. Smith
Mr. Bogert	Mr. Fillmore	Mr. C. L. Livingston	Mr. Soper
Mr. Boynton	Mr. Fitch	Mr. Mallory	Mr. Speaker
Mr. Bradish	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Brinkerhoff	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Brown	Mr. Gardiner	Mr. M'Crea	Mr. Starr
Mr. Burt	Mr. Goodman	Mr. J. M'Donald	Mr. Tabor
Mr. Cargill	Mr. Gosman	Mr. W. M'Donald	Mr. Tailor
Mr. Carley	Mr. Graham	Mr. Morell	Mr. Teller
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. Titus
Mr. Case	Mr. J. Hall	Mr. Noble	Mr. J. Van Buren
Mr. Chandler	Mr. W. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Collier	Mr. Hammond	Mr. Patridge	Mr. Van Wyck
Mr. Curtiss	Mr. Hedges	Mr. Phœnix	Mr. Waugh
Mr. Dana	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Davenport	Mr. Hornbeek	Mr. Redfield	Mr. Young 96

Those who voted in the negative are—

Mr. Edgerton	Mr. Heermans	Mr. A. Smith	Mr. Wheeler
Mr. Efner	Mr. Judd	Mr. Tower	Mr. Willey
Mr. Garbutt	Mr. Mixer	Mr. Waring	Mr. Williams 12

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the heirs of Christian Guthrie," was read the third time.

Resolved, That the bill do pass.

The engrossed bill entitled "An act for the relief of Cornelius Higgins," was read the third time.

Mr. Speaker put the question on the final passage of the said bill, and it was determined in the affirmative.

{AYES 99}
{NAYS 14}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hubbard	Mr. Seeley
Mr. Arnold	Mr. Edgerton	Mr. Ives	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Jenkins	Mr. Sloughter
Mr. Bacon	Mr. Eldridge	Mr. Johnson	Mr. A. Smith
Mr. C. Baker	Mr. Evans	Mr. Jones	Mr. L. Smith
Mr. E. Baker	Mr. Falley	Mr. Keith	Mr. T. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. Lindsley	Mr. Soper
Mr. Bogert	Mr. Fitch	Mr. C. L. Livingston	Mr. Spier
Mr. Boynton	Mr. Fowler	Mr. Mallory	Mr. Stanton
Mr. Bradish	Mr. Franklin	Mr. Mandeville	Mr. Starr
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mann	Mr. Tabor
Mr. Brown	Mr. Gardner	Mr. Mathews	Mr. Tailor

Mr. Burt	Mr. Garnsey	Mr. J. M'Donald	Mr. Teller
Mr. Cargill	Mr. Goodman	Mr. W. M'Donald	Mr. Titus
Mr. Carley	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Carrier	Mr. Graham	Mr. Morell	Mr. J. Van Beuren
Mr. Case	Mr. Graves	Mr Myers	Mr. Vanderbilt
Mr. Chandler	Mr. Gross	Mr. Noble	Mr. Van Wyck
Mr. Curtiss	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Dana	Mr. W. Hall	Mr. Partridge	Mr. Waugh
Mr. Dayton	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Dean	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Defreest	Mr. Hedges	Mr. Redfield	Mr. Williamson
Mr. Dickson	Mr. Heermans	Mr. Savage	Mr. Young
Mr. Dyckman	Mr. Hornbeek	Mr. Scott	99

Those who voted in the negative are—

Mr. Alison	Mr. Holdridge	Mr. M'Crea	Mr. H. D. Smith
Mr. Armstrong	Mr. Hubbell	Mr. Sanford	Mr. Speaker
Mr. Bailey	Mr. Hynds	Mr. Sheppard	Mr. Williams
Mr. Davenport	Mr. Judd		14

Ordered That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Canajoharie and Sharon turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93}
{NAYS 14}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hubbell	Mr. Scott
Mr. Allison	Mr. Defreest	Mr. Hynds	Mr. Seeley
Mr. Armstrong	Mr. Dyckman	Mr. Ives	Mr. Sill
Mr. Arnold	Mr. Dygert	Mr Jenkins	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. Bacon	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. Bailey	Mr. Evans	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Garbutt	Mr. Mallory	Mr. Spier
Mr. Bogert	Mr. Gardner	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. Goodman	Mr. Mann	Mr. Starr
Mr. Bradish	Mr. Gosman	Mr. Mathews	Mr. Tabor
Mr. Brinkerhoff	Mr. Graham	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. Gross	Mr. J. M'Donald	Mr. Titus
Mr. Burt	Mr. J. Hall	Mr. W. M'Donald	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Morell	Mr. J. Van Beuren
Mr. Carrier	Mr. Hammond	Mr. Myers	Mr. Vanderbilt
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Holdridge	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Hornbeek	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Young
Mr. Davenport			93

Those who voted in the negative are—

Mr. Dickson	Mr. Hascall	Mr. Sheppard	Mr. Van Wyck
Mr. Edgerton	Mr. Judd	Mr. A. Smith	Mr. Waring
Mr. Fillmore	Mr. Mixer	Mr. Teller	Mr. Waugh
Mr. Fitch	Mr. Norton		

14

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Case, a member of the Assembly duly elected in and for the county of Chenango, appeared in the Assembly chamber.

Ordered, That Mr. Eldridge and Mr. Boynton be a committee to attend with Mr. Case before some proper officer, and see him duly qualified.

Mr. Eldridge, from the committee appointed to attend with Mr. Case before some proper officer, and see him duly qualified, reported, that they had attended with him before the Hon. Enos T. Throop, lieutenant-governor, and seen him duly qualified.

Ordered, That Mr. Case do take his seat.

The annual report of Abraham Dally, an inspector of domestic spirits for the city and county of New-York, was read, in the words following, to wit:

NEW-YORK, January 13, 1829.

A true and just return of the number of casks of Domestic Spirits, inspected from the 1st day of January, 1828, to the 1st day of January, 1829, viz:

111,504 casks, at 6 cts., ...	$6,690 24
Two deputies, ¼ each, is	3,345 12
	$3,345 12

ABRAHAM DALLY,
Inspector of Domestic Spirits.

Ordered, That the same be laid upon the table.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act incorporating the Susquehannah bridge company of the village of Binghamton," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act concerning the proof and acknowledgment of deeds;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Dana, Mr. C. L. Livingston and Mr. Holdridge, to consider and report thereon.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie;" and after some time spent thereon, Mr.

Speaker resumed the chair, and Mr. Mandeville, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Company of Moa;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Titus, from the said committee, reported, that the committee had disagreed to the first enacting clause of the said bill; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the commissioners of loans of the county of Oneida to sell certain lands;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Randall, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relative to Middlebury academy in the county of Genesee;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bacon, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until eleven o'clock to-morrow morning.

THURSDAY, JANUARY 29, 1829.

The House met pursuant to adjournment.

The petition of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York, by their father Herman Thorn, praying for the passage of an act authorising them to change their names, was read, and referred to a select committee, consisting of Mr. T. L. Smith, Mr. Bradish and Mr. C. L. Livingston.

The petition of sundry inhabitants of the village of Lockport, praying for the passage of an act to incorporate said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Columbia, praying for the incorporation of a bank, to be located at the city of Hudson, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of the Rochester high school, praying for the passage of a law authorising a loan to them of $2500 from the school fund, was read, and referred to the committee on colleges, academies and common schools.

The petition of Aldridge Winham, Thomas Carpenter, Thomas Carpenter junior, James Carpenter and George Henry Carpenter, aliens, praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, were severally read, and referred to the committee on the petitions of aliens.

The memorial of sundry inhabitants of the counties of Otsego, Delaware and Chenango, praying for the incorporation of a company for the purpose of im-

proving, by means of locks, dams and canals, those parts of the Susquehannah and Chemung rivers within this state, from the Otsego lake to the Chimney narrows in the county of Steuben, and for the construction of a rail-road from the Otsego lake to the Erie canal at or near Fort Plain, and for other purposes, was read, and referred to a select committee, consisting of Mr. Mann, Mr. Savage and Mr. Dana.

The petition of sundry inhabitants of the city of New-York, praying for the adoption of resolutions recommending the abolition of slavery in the District of Columbia, was read, and referred to a select committee, consisting of Mr. Titus, Mr. Edgerton and Mr. Jenkins.

The petition of the president, directors and company of the Bank of Chenango, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the seventh, tenth and thirteenth wards of the city of New-York, praying for the incorporation of a bank, to be located in the seventh ward of said city, by the name and style of the "Seventh Ward Bank," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The memorial of sundry inhabitants of the town of Salina in the county of Onondaga, praying remuneration from the state, for improvements made by them on certain pasture lots in the said village belonging to the state, was read, and referred to the surveyor-general.

The petition of the members of the bar, and others, inhabitants of the county of Steuben, praying for the establishment of an additional supreme court clerk's office, to be located in the village of Canandaigua, was read, and referred to the select committee upon that subject, of which Mr. Hubbell is chairman.

The petition of David Mersereau, praying for the passage of an act authorising him to construct a dam across the Susquehannah river, on lot number 85 in Coxe's patent, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of sundry inhabitants of the county of Ontario, relative to the abolition of slavery in the District of Columbia, was read, and referred to the select committee upon that subject, of which Mr. Titus is chairman.

Mr. Norton, from the committee on canals and internal improvements, in pursuance of a resolution of this house, instructing them to inquire into the expediency of passing a law to provide for the payment of damages to real estate in consequence of breaches in the canals of this state, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Norton, according to leave, brought in the said bill, entitled "An act to provide for the payment of damages to real estate in consequence of breaches in the canals of this state;" was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of Alexander Elston, William Hamilton and others, praying for the incorporation of the New-York African Clarkson Association, reported:

That it appears from the petition, that in the year 1825, several persons of color in the city of New-York associated themselves together for the benevolent purpose of raising funds to be exclusively used for the relief of widows and orphans of deceased members, the aid of the sick, and the burial of their dead, and for improvement in Literature; their number is about one hundred and fifty—that it would be increased, their funds enlarged, and the usefulness of the institution more generally felt and acknowledged, by an act of incorporation enabling them the better to carry into effect the object of their original association.

The committee are of opinion that every institution, which in its operation has for its object the alleviation of the miseries of the human family, it is right and proper to encourage; and especially a society of this unfortunate portion of our population; conceiving that by extending this relief to them, it may be a means of leading them to further pursuits of virtue and happiness, which will make them more valuable members of society. The committee are therefore in favor of the prayer of the petitioners. They have prepared a bill and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the New-York African Clarkson association;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of the commissioners of highways of the town of Leicester in the county of Livingston, reported:

That the petitioners set forth in their petition that considerable time has been spent, and much expense incurred by the inhabitants of the town of Leicester in the county of Livingston, and the towns of Perry and Castile in the county of Genesee, in endeavoring to ascertain the boundary line between said towns; yet no satisfactory line has been established. They therefore pray that three commissioners may be appointed to run and establish such line. The novel character of the application has induced the committee to give the subject a careful examination; and in referring to the revised statutes they find the boundaries of the town of Leicester so clearly designated that they think it scarcely possible for a dispute to arise, and as the inhabitants of the towns of Perry and Castile have not joined in the petition, the committee believe they have found a line that is satisfactory to them. The petitioners further pray that the commissioners so appointed may be authorised to lay out a public highway on said line, four rods wide. Although this part of the petition does not come strictly within the province of the committee, they have ventured to take it into consideration, and are of the opinion that ample provision is made for their wants in article four of title one of the sixteenth chapter of the first part of the revised statutes. They therefore recommend to the house the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of John Ridley of the city of New-York, praying for the passage of a law to authorise the administrators of Henry I. Moore deceased, to convey to him certain real estate therein named, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill, entitled "An act to confirm a conveyance made by the administrators of Henry I. Moore, to John Ridley;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on courts of justice, to which was referred the petition of sundry inhabitants of the fourth ward of the city of Albany, praying relief from an assessment of taxes, reported:

That it appearst o the committee, that the Commercial Bank in the fourth ward of the city of Albany, was assessed in the year 1827 for the sum of $300,000, instead of the sum of $150,000. That by an act passed February 29th, 1828, the collector was directed to receive of the bank the tax upon $150,000, and return the residue of the said tax as a debt against the said ward. It is represented to the committee, that the supervisors of the county of Albany at their last annual meeting re-assessed the said returned tax upon the said fourth ward, thereby imposing a tax upon that ward on $150,000 more property than

is contained in the ward, and reducing proportionally the county tax upon other parts of the county, and certain city taxes upon other parts of the city. The petitioners therefore pray that a law may be passed to relieve them from this extra taxation, which request appears to the committee to be reasonable, and they have accordingly prepared a bill, and instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill, entitled "An act to relieve the fourth ward of the city of Albany from a certain tax;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on courts of justice, to which was referred the petition of John Cooper, praying for the passage of an act to require the clerk of the county of Dutchess to record a certain deed, reported:

That the petitioner represents that on the 1st of June, 1828, Peter Lossing and Catharine his wife, of the province of Upper Canada, executed a deed to him of land in the county of Dutchess in this state. James Mitchell, who describes himself as a judge of the district court in Canada, certifies that on the 28th day of the said month of June, Peter Lossing and his wife came before him, and duly acknowledged the execution of a certain deed, describing it by its date; and he further certifies as notary public, under his seal of office, that as a judge he is legally authorised to take the acknowledgment of deeds. The said certificate is not upon, nor attached to the deed, and it does not appear that at the time of making the acknowledgment the deed was present or shewn to the grantors, nor had the officer any authority by our laws to take the acknowledgement. To permit such a deed to be recorded would, in the opinion of the committee be highly improper. They have therefore directed their chairman to submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and papers.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the proof and acknowledgment of deeds," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Norton, from the select committee to which was referred the petition of the supervisors of the county of Monroe, reported:

That they have been furnished with a copy of a resolution of the board of supervisors of said county, duly authenticated by the chairman and clerk of said board, directing them to petition the legislature in their behalf, to pass a law authorising said supervisors to sell the present court-house and lot on which the same is located, and to apply the proceeds thereof to pay the expenses of purchasing a site for a new court-house, and erecting the same, and towards building a jail for said county. That the reasons assigned, are, that the present court-house is not a commodious building, and was not very substantially built; that its location is so near the centre of business in the village of Rochester, as to cause frequent interruptions in the public business: That a new site, better adapted to the convenience of the citizens of said county, could be obtained at a price much less than the value of the present site; which would, from its contiguity to the business part of the village, sell for upwards of twenty thousand dollars; which, with $5000 raised upon the county by an act of this legislature, passed 21st April 1828, and the proceeds of the jail lot, directed to be sold by the same act, will be more than will be required to purchase a new site for a court-house and jail, and to build the same. All which the committee are satisfied is truly stated; and they have prepared a bill, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Norton, according to leave, brought in the said bill, entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot for the purposes therein mentioned, also to amend the act entitled 'An act to authorise the supervisors of the county of Monroe to build a gaol,' passed April 21st, 1828;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the commissioners of loans of the county of Oneida to sell certain lands," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act authorising the commissioners of loans of the county of Oneida to sell certain lands," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to Middlebury academy in the county of Genesee," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act relative to Middlebury academy in the county of Genesee," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	108
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Ives	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Dygert	Mr. Johnson	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Jones	Mr. Sloughter
Mr. Bacon	Mr. Fillmore	Mr. Judd	Mr. A. Smith
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. Soper
Mr. Barnett	Mr. W. K. Fuller	Mr. Mandeville	Mr. Speaker
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. Spier
Mr. Boynton	Mr. Gardiner	Mr. Mathews	Mr. Stanton
Mr. Bradish	Mr. Garnsey	Mr. M'Crea	Mr. Starr
Mr. Brinkerhoff	Mr. Gosman,	Mr. J. M'Donald	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. W. M'Donald	Mr. Teller
Mr. Burt	Mr. Graves	Mr. M'Niel	Mr. Titus
Mr. Cargill	Mr. Gross	Mr. Mixer	Mr. J. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Morell	Mr. P. Van Beuren
Mr. Carrier	Mr. Hammond	Mr. Myers	Mr. Vanderbilt
Mr. Chandler	Mr. Hascall	Mr. Nicholas	Mr. Waugh
Mr. Collier	Mr. Hazeltine	Mr. Noble	Mr. Wheeler
Mr. Curtiss	Mr. Hedges	Mr. Norton	Mr. White
Mr. Dana	Mr. Heermans	Mr. Paige	Mr. Willey
Mr. Davenport	Mr. Hornbeek	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Hubbard	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Redfield	Mr. Wyckoff
Mr. Defreest	Mr. Hynds	Mr. Savage	Mr. Young 108

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to continue in force the act authorising Russel Atwater and his associates to erect a toll-bridge over the Black river;" the said report being, that the committee had gone through the said bill, and agreed to the same without amendment.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Ordered, That Mr. Sill have leave of absence for fourteen days, Mr. Al Burtis for twelve days, and Mr. Sloughter for five days.

In pursuance of previous notice, Mr. Seeley asked for and obtained leave to bring in a bill entitled "An act providing for the appointment of inspectors of unslaked lime, in the county of Greene;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Judd,

Resolved, That the comptroller be requested to report to this house, the several amounts of the duties upon salt; the duties upon sales at auction; tax upon steam-boat passengers, and upon steam-boats; the amount received from the sale of lands, aad the interest upon bonds for the sale of lands; and all other sums received yearly, and appropriated to the canal fund, from the year 1817 up to this time.

On motion of Mr. Skinner,

Resolved, That the surveyor-general report to this house, what public lands reserved for literary purposes, and not otherwise appropriated to the literature fund or otherwise, belong to the people of this state; designating the number and location of the lots, and the value thereof; what lots have been specifically appropriated, and what appropriations have been made depending upon the sale of such lots.

A communication from Greene C. Bronson, was read, in the words following, to wit:

January 28, 1829.

SIR,

I have received the resolutions of the Senate and Assembly, appointing me attorney-general of this state: And I desire you to communicate to the Assembly, my grateful acknowledgment for this distinguished proof of their confidence, and to signify to them my acceptance of the office.

I am, Sir, with great respect,
Your obedient servant,
GREENE C. BRONSON.

The Hon. Peter Robinson,
Speaker of the Assembly.

A communication from the acting comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, January 29th, 1829.

SIR—

I herewith communicate to the honorable the Assembly, a report made pursuant to a resolution of that house, of the 23d instant.

I have the honor to be, with great respect,
Your obedient servant,
PHILIP PHELPS,
Acting Comptroller.

Hon. Peter Robinson,
Speaker of the Assembly.

COMPTROLLER'S OFFICE,
Albany, January 29th, 1829.

The Comptroller, in obedience to a resolution of the honorable the Assembly, of the 23d instant, respectfolly reports:

That the accompanying statement exhibits the amount of monies paid to the health commissioners in the city of New-York, by seamen and foreign emigrants, since the 14th day of April, 1820, and the purposes to which the same has been appropriated, so far as the information received at his office will enable him to communicate.

It is proper to remark, that in the amount of receipts for the year 1826, is included a sum of $15,000, invested in July 1825, by the said commissioners, in canal stock, bearing an interest of 6 per cent.; which sum was reimbursed in October 1826, as also a sum of $545, received for interest during the period of such investment.

Respectfully submitted.

PHILIP PHELPS,
Acting Comptroller.

STATEMENT of the amount of moneys paid to the health commissioners, on account of tax imposed on passengers and crews of vessels from foreign ports, arriving in the city of New-York, from the 14th day of April, 1820, to the 1st day of January, 1829, and of the purposes to which the same has been applied, so far as the information received at this office will permit, to wit:

Amount received from	14th April	to	1st June, 1820,.....			$4,997	50
"	"	1st June 1820,	to	Feb. 1821,.....		12,987	27
"	"	March 1821,	to	Dec. 1823, ...		23,628	86
"	"	during the year ending		31st Dec.	1824,..	23,184	19
"	"	"	"	"	1825,..	28,263	68
"	"	"	"	"	1826,..	46,095	22
"	"	"	"	"	1827,..	37,109	76
"	"	"	"	"	1828,..	38,296	56
						$214,563	04

These sums have been appropriated to the following objects, to wit:

For compensation to resident physician, health commissioner, health officer, mates, nurses, and other attendants, purchase of bedding, clothing, fuel, provisions, medicine and other incidental expenses, including the compensation to men employed in a boat used by the health officer,.....	$128,899	57
Erection of a new hospital,.....	24,760	96
" " wall at the wharf,.....	1,784	51
Paid to the treasurer of the society for the reformation of juvenile delinquents, pursuant to act, chap. 24, of 1826,.....	43,000	00
Erection of a bulk-head,.....	10,347	00
To St. Andrew's church in the city of New-York, towards the erection of a church at or near the quarantine ground, pursuant to act, chap. 124, of 1819,.....	1,000	00
Erection of a small-pox hospital,.....	3,800	00
" " barn,.....	739	00
Paid for plans and estimates,.....	232	00
	$214,563	04

Ordered, That the said report be referred to the committee on the subject to which it relates, of which Mr. Dyckman is chairman.

Ordered, That the usual number of copies of said report be printed for the use of the legislature.

A communication from Robert Snow, an inspector of pot and pearl ashes for the city and county of New-York, was read, in the words following, to wit:

TO THE HON. THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

May it please your Honorable Body:

It is made my duty by law, to report annually to the legislature the quantity, and as near as may be the quality and value of the articles inspected by me during the year ending on the first of this present January, together with the amount of the fees and emoluments derived from my office. This I have faithfully done as per my report dated 22d instant. Being hurried to get said report in time for the steam-boat, I omitted the latter part of the clause on that subject, and now, if your honorable body pleases, I shall speak to that point.

Touching the value of pot and pearl ashes, I can say no more than what is weekly reported in the price current of this city. Ashes at present are, pots $150, and pearls $140 per ton of 2240 lbs. They are likely to continue at these prices, and perhaps to increase until fresh supplies arrive, as the quantity here is small—it may be not more than 3,500 to 4,000 bbls.—and growing smaller weekly. There could not have been many short of 20,000 bbls. at this time twelve months ago, perhaps the quantity was greater.

As to what ought to be done to improve the manufacture of pot and pearl ashes, little more can be said than to remark, that the best pot ashes are procured from clean house ashes, and the best pearl ashes is said to be obtained from field ashes, at least these are the whitest, and whiteness is judged to be one of the perfections of pearl ashes. But as every inspector will judge according to the best of his skill and knowledge of the article, it will be proper to remark that after we say to the manufacturer, keep away the salt and lime from the kettles in the making of pot ashes, we shall have said all that is requisite. But after all, one of the great secrets as regards the preservation of these articles, will be found in the quality of the barrels. If the barrels are not good, the ashes will not keep so as to appear well at a foreign market; nor will they indeed, be as good as when first put up, if the barrels are not what they ought to be; for every one acquainted with pot and pearl ashes knows, that from the moment they cool after having been manufactured, nature begins the work of deterioration. This is occasioned principally, if not altogether, by the attraction and absorption of the oxygen from the atmosphere with which the alkaline salt forms a great affinity. Here, if your honorable body pleases, a strict chemical process takes place, which tends eventually to neutralize the whole mass. If I am correct, it will be seen of how much consequence it is that the barrels be good. Oak barrels in all cases are best. The stuff ought to be seasoned, and if some way could be devised to reward those that furnished the best oak barrels, the interest of all concerned would be much promoted. Were it necessary, much more might be said; at present, perhaps, my duty leads me no farther.

All which is respectfully submitted,

ROBERT SNOW,
One of the Inspectors for the City of New-York.

New-York, January 21, 1829.

Ordered, That the said report be laid upon the table.

The annual report of Erastus Smith, one of the inspectors of lumber for the county of Kings, was read in the words following, to wit:

To the Honorable Legislature of the State of New-York, now in Session at Albany.

The following is the report of the undersigned, as inspector of lumber for the county of Kings in the said state, as inspected from the first of May, 1828, being at that time duly qualified, to the 1st of January, 1829. I have inspected as follows, viz:

		Fees.
328,168 feet of merchantable pine and spruce dimension timber, ...		81 04
112,065 do of refuse or seconds	do	21 01
Carried forward,.....		

		Brought forward,.....	
28,532	feet	of merchantable chesnut timber and scantling of different sizes,.....	$7 13
10,075	do	of refuse do do	2 51
3,099	do	of merchantable hemlock timber,.....	77
3,254	do	of refuse do do	81
5,011	do	of first quality of clear pine boards,.....	1 88
32,212	do	of second quality of pine do	12 07
21,144	do	of third quality of do	9 05
9,261	do	of fourth quality of do	3 46
243	do	of merchantable white oak plank,.....	08
188	do	of black birch plank,.....	06
23	do	of refuse do do	01
1,797	do	of first quality of cherry boards,.....	67
34,945	do	of pine boards measured and marked, only.....	8 74
593,017			$149 29

Sum total, 593,017 feet of different kinds, and I have charged for my fees for inspecting the same, $149.29.

All which is respectfully submitted by your humble servant,

ERASTUS SMITH.

Your subscriber would inquire if it would not be a good regulation to the lumber business, to have some law relative to the thickness of boards; for as boards often are not more than $\frac{3}{4}$ of an inch thick, yet the seller will claim that he is to be allowed full face measure, and receive pay for inch boards, when they are not more than $\frac{3}{4}$ of an inch, and sometimes not that thick. It is my opinion that unless the law is specified on that point, that justice cannot be done to the consumers, as the eastern boards have got to coming very thin. I would also mention, that the case has occurred a number of times within the last year of whole cargoes of pine and spruce timber being sold to lumber merchants in this place without being inspected, and was bought by them as such for this reason: because the assignees of lumber sent them from the eastward would not sell our lumber merchants the lumber, unless they would buy it at the mill mark, and without its being inspected here at all. The owners thereby save the inspection, and of course have no refuse in the whole cargo. Therefore the consumer, I think, has not a fair chance with the owner. In my opinion if this method is allowed to proceed without some limits, that in a few years there will be no want of inspectors.

Respectfully yours,

ERASTUS SMITH.

Inspector of Lumber for the County of Kings, State of New-York.

Brooklyn, January 26, 1829.

Ordered, That the same be laid upon the table.

The annual report of Benjamin Meeker, one of the inspectors of lumber for the county of Kings, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

Benjamin Meeker, an inspector of lumber, appointed for the county of Kings, in the said state, and residing in the village of Brooklyn in the said county of Kings, in obedience to the statute in such case made and provided, respectfully reports:

That during the year last past, from January 1st, 1828, to January 1st, 1829, he has inspected and measured in the said county, the following quantities of lumber, to wit:

777,789 feet of merchantable dimension timber, pine and spruce.
180,021 feet of refuse dimension timber, pine and spruce.
25,364 feet of first quality white pine boards and plank.
13,257 feet of second quality white pine boards and plank.
17,882 feet of third quality white pine boards and plank.
11,537 feet of fourth quality white pine boards and plank.
2,129 feet of merchantable cedar boards.
3,305 feet of merchantable ash plank.
2,160 feet of refuse ash plank.
13,574 feet of merchantable oak plank.
1,756 feet of refuse oak plank.
1,749 feet of oak scantling.
1,960 feet of merchantable yellow pine boards.
3,438 feet of refuse yellow pine boards.

The value of the lumber inspected and measured by him as above set forth, this inspector is unable to state, in consequence of the purchasers refusing to give him any information on the subject, although requested by him to afford such information. The inspector would therefore only be able to afford your honorable body his own conjectures or estimate, which might be erroneous.

The said inspector further reports, that the amount of fees and emoluments derived from his said office for the year last past, to wit, from the said January 1st, 1828, to January 1st, 1829, is $274.46; and that all the said lumber so measured and inspected by him as aforesaid, was measured and inspected in the village of Brooklyn, in the said county of Kings. And that the said inspector is possessed of no information that may tend to the improvement of the quality, or the increase of the quantity of the articles subject to his inspection.

All which is respectfully submitted,

BENJAMIN MEEKER.

Dated Brooklyn, Kings County, Jan. 23, 4829.

Ordered, That the said report be laid upon the table.

The annual report of Abner Hubbard, an inspector of lumber for the county of Monroe, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

Annual Report of the amount of lumber measured and inspected in the village of Rochester, during the year ending on the first day of January 1829, *by Abner Hubbard, one of the inspectors of lumber for the county of Monroe, including also the value of, and fees for inspecting the same.*

Description of Lumber.	No. of Feet.	Price.	Value.		Fees.
1st quality, ...	308,799	at $10,	.. $3,087 99	at 1s. 6d.	$57 91
2d "	548,921	8	.. 3,913 68	"	102 92
3d "	1,693,273	6	.. 10,159 63	"	317 50
4th "	88,710	4	.. 354 84	"	16 64
Joists and scantling, .	76,279	6	.. 457 67	"	14 31
2-inch chair plank, ..	10,632	7	.. 74 42	3s.	3 96
Ship plank,.....	10,950	15	.. 164 25	"	4 00
	2,737,564		$18,212 48		$517 24

Remarks.—The article of pine lumber would be greatly improved, could it be brought to market in boats: The quantity would be increased by cash to pay for it.

ABNER HUBBARD, *Inspector.*

Rochester, January 26, 1829.

Ordered, That the said report be laid upon the table.

The annual report of Charles Lemon, an inspector of lumber for the county of Rensselaer, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York.

Agreeable to the Revised Statutes, chapter 17th, article 12th, section 185th, the undersigned, inspector of lumber for the city of Troy, begs leave to report:

That he has measured and inspected the following portions of lumber, since the 6th of May, until the 18th of December last past, viz:

Of pine lumber, 611,095 feet; of this, only 26,754 feet was of the first quality, worth $27 per M. Of cherry boards and plank, 26,754 feet, of middling quality, worth 30 dollars per M. Curled maple scantling, 6,252 feet, averaging 30 cents each, of 16 feet to a scantling. 606 feet of curled maple boards, good. Whitewood, one half inch thick, 4,137 feet, good, worth 15 dollars per M. Ash plank, 1,112 feet.

My fees on the above, $170.32.

All which is repectfully submitted,

CHARLES LEMON, *Inspector.*

Troy, January 26, 1829.

Remarks.—The first quality of lumber is measured face measure; but the second, third and fourth quality, is reduced by the inspector almost one quarter. Ought not the second, third and fourth to be measured face measure, as well as the first? for it is on the three last qualities the seller in the first instance is a heavy loser. I suppose the quality ought to be sufficient deduction, without reducing in the measurement also. There is very great complaint by those who bring lumber to market, on this account. I will state one instance. A boat-load of lumber was sent from Lysander, and measured by a man supposed to be very competent; but on being measured again in Troy, it fell short 7000 feet, to the damage of the shipper 100 dollars. And in order to increase the quantity, might not a law be passed to protect the seller in the first instance, by making four qualities, and to have them measured face measure; for the inspector who reduces the most in measuring, the buyer prefers him to measure.

Ordered, That the said report be laid upon the table.

The annual report of John Brace, an inspector of beef and pork for the county of Monroe, was read, in the words following, to wit:

Statement of Provisions inspected by John Brace, an Inspector of Pork and Beef, at Bushnell's Basin, Monroe County, New-York, from October 20th, 1828, to November 22d, 1828.

168	barrels mess pork,	probable value,	$11,	....	$1,848 00
466	" prime do	"	8	....	3,728 00
12	" flank do	"	8	....	96 00
7	" thin mess do	"	9	....	63 00
8	" sour prime do	"	6	....	48 00
14	half bbls. mess do	"	5	....	70 00
62	barrels mess beef,	"	7	....	434 00
104	" prime do	"	5	....	520 00
13	hf. bbls. mess do	"	4	....	52 00
					$6,859 00

Amount of fees for inspecting, pickling, and coopering, $212 15

JOHN BRACE, *Inspector.*

Inspection Office, Bushnell's Basin, Jan. 17, 1829.

Ordered, That the said report be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act for the relief of the trustees of the Rensselaer Oswego academy," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then resolved itself into a committee of the whole, on the resolutions reported by the committee on privileges and elections, on the petition of Daniel W. Bostwick, praying for admission to a seat in this house, as a member from the county of Seneca, in the place of Septimus Evans, the sitting member; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Paige, from the said committee, reported, that the committee had agreed to the said resolutions, in the words following, to wit:

Resolved, That the seat of the Hon. Septimus Evans, the sitting member of this house, be vacated.

Resolved, That the petitioner, Daniel W. Bostwick, be admitted as a member of this house, as duly elected from the county of Seneca, in the place of the Hon. Septimus Evans, the sitting member.

Which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Thereupon,

Mr. Bostwick, declared to have been duly elected a member of this house in and for the county of Seneca, appeared in the Assembly chamber.

Ordered, That Mr. Edgerton and Mr. Efner attend with Mr. Bostwick before some proper officer, and see him duly qualified.

Mr. Edgerton reported, that pursuant to the order of the house, Mr. Efner and himself had attended with Mr. Bostwick before Azariah C. Flagg, secretary of state, and seen him duly qualified.

Ordered, That Mr. Bostwick do take his seat.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mandeville, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

FRIDAY, JANUARY 30, 1829.

The House met pursuant to adjournment.

Two several petitions of sundry inhabitants of the county of Niagara, praying for the incorporation of a bank, to be located at the village of Lockport, were read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Samuel Jackson, praying for the passage of an act confirming the rights of the petitioner to a lot of land in the village of Brooklyn, mortgaged to him by an alien, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Remsen in the county of Oneida, praying for the incorporation of the Remsen academy in said county, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Kinderhook in the county of Columbia, praying for the incorporation of a bank, to be located in the city of Hudson, by the name and style of "The Farmers' and Mechanics' Bank of the city of Hudson," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The memorial of sundry inhabitants of the county of Otsego, praying for the incorporation of a company for the purpose of improving the navigation of the Susquehannah and Chemung rivers, was read, and referred to the select committee on that subject, of which Mr. Mann is chairman.

The petition of sundry inhabitants of the county of Genesee, praying for the incorporation of a bank, to be located in the village of Batavia, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The remonstrance of sundry inhabitants of the county of Genesee, remonstrating against the repeal of the law authorising the laying out a certain road mentioned in the petition, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of the trustees of the St. Lawrence academy, remonstrating against the appropriation of the gospel and school lots for the use and benefit of the Gouverneur high school, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Washington, praying for the passage of a law for the payment of damages occasioned by the construction of the Champlain canal, was read, and referred to the committee on claims.

The petition of John Shiland, praying that an allowance may be made to him for the loss of lands sold by the comptroller, by reason of an illegal return made by collectors of taxes, was read, and referred to the committee on claims.

The petition of Charles Trusdell, praying for aid from the legislature, in consequence of having been wounded in assisting the sheriff of the county of Columbia in executing certain process, was read, and referred to the committee on grievances.

The remonstrance of the trustees and inhabitants of the village of Utica and its vicinity, remonstrating against the renewal of the charter of the Utica and Minden turnpike company, so far as the same extends through the said village, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of sundry inhabitants of the county of Oneida, praying for the passage of an act authorising the lowering of the waters of the Oneida lake, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the towns of Portland and Ripley in the county of Chautauque, praying for a division of the said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the village of Smyrna in the county of Chenango, praying for the passage of an act of incorporation for said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Tioga, praying for the construction of a canal from the head of Seneca lake to Newtown, was read, and referred to the committee on canals and internal improvements.

The petition of Samuel Wilkinson and others, praying for the passage of a law to authorise the reduction of the width of streets laid out through certain lands of the petitioners in the south village of Black Rock, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Two several remonstrances of sundry inhabitants of the county of Broome, against the erection of a dam across the Susquehannah river at Billings' rift in the county of Tioga, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the memorial of the trustees of the Rochester high school, reported:

That the said school was incorporated in the year 1827, and embraces two school districts in the village of Rochester. It appears from the memorial that the title to an acre of ground in said village, upon which there has been erected a large and valuable three story building, is vested in the said corporation. That the property is estimated to be worth from eight to ten thousand dollars, and is free from incumbrance. For the purpose of enabling them to finish the upper room of their building, and to pay the debts which have been incurred by the corporation, the trustees propose to loan of the state, the sum of two thousand five hundred dollars for five years, and to mortgage their property for security. It appears from the comptroller's report, that there is seventy thousand dollars of the common school fund now in the treasury uninvested and unproductive. The committee have reason to believe that the security offered is fully adequate for the payment of the money and the annual interest, and they have required the comptroller, in addition to the mortgage, to take a bond pledging the personal responsibility of the trustees, or such other persons as he shall deem sufficient to afford unquestionable security for the payment of the principal and interest.

Some of the committee have doubted the policy of loaning out this fund in such small sums, and especially of taking security upon a species of public property, which in case of the failure of payment the state might hesitate to divert from the useful purposes to which it is applied; but a majority of the committee are of opinion that the prayer of the petitioners ought to be granted, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act authorising a loan to the Rochester high school;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the secretary of the Windham and Durham turnpike road company, and others, reported:

That the Windham and Durham turnpike road company was incorporated in the year 1809, for the purpose of constructing a road across the Catskill mountain in the county of Greene, the distance of ten miles, which they have faithfully performed, as appears by certificate to that effect. It is represented to the committee that the location of said road was an unfortunate one for the enterprise of the stockholders, and has been wholly unproductive, although they have continued to keep the same in repair for the space of twelve years, at the expense of twelve thousand dollars. The company are desirous of

being relieved from that part of the said road situate in the town of Windham, in which application the inhabitants residing in the neighborhood join, and are willing that the company should be released from their obligations, and that the same may be declared a public highway. The committee believe, that in consideration of the small toll they have been enabled to collect, by not having the privilege of extending their road so as to intersect, in a direct line to some of the great thoroughfares leading to the Hudson river, such privileges should be extended to them to continue said road easterly, and intersect the Susquehannah turnpike in the town of Cairo, and erect two half toll gates thereon. This company is said to consist of but few members, and not very well able to bear the loss, and that public convenience would be realized by extending this relief, and the distance of their contemplated addition to the road will make the whole about twelve miles. The committee have given the subject that attention they believe necessary, to come to the conclusion that the application is reasonable, and recommend the passage of a law to that effect, and have prepared a bill and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to amend the act, entitled 'An act to incorporate the Windham and Durham turnpike road company;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the committee on grievances, to which was referred the petition of William Wisner, reported:

That on the 24th day of October. 1808, the petitioner executed a bond to the people of this state, as security for one Mathew Carpenter, in the penal sum of six thousand five hundred and ten dollars, conditioned that the said Mathew should faithfully apply all such monies as might come to his hands, as a commissioner to improve a certain road from Catskill to Catharine town in the county of Tioga, at which time the said Mathew, as the committee believe, was of high standing in the community as to property and character.

The first knowledge that the petitioner had of the non-performance of the condition of the bond, was on the 9th of May, 1820, when the petitioner was served with a capias, returnable in the then term of May—twelve years having elapsed since the execution of the bond; that though the said Mathew was solvent at the time of executing the said bond, and continued so for many years afterwards: yet at the time the said suit was brought he was much embarrassed, and that the attorney-general without the consent of the petitioner, stayed the proceeding on the suit against the said Mathew until the 24th day of March, 1824, when the legislature did, without the knowledge of the petitioner, pass a law authorising the comptroller to settle with the said Mathew upon equitable principles.

At this time the said Mathew was, as is believed, possessed of property to an amount more than sufficient to indemnify the petitioner. But soon after the passing of this law it went into the hands of his other creditors, and he is wholly unable to indemnify the petitioner. That after the passing of this law, to wit, on the 31st of August, 1825, the attorney-general did, without giving the petitioner notice, enter a judgment against the said Mathew and the petitioner, in the supreme court of this state, for the sum of one thousand six hundred and seventy dollars and three cents, with costs, which judgment is now in force against the petitioner.

From all these statements it appears to the committee, 1st, That if the state had not suffered the delinquency of the said Mathew to pass unnoticed for more than eight years, they might have collected their demand. 2d, That if the attorney-general had not delayed the said suit for several years after it was commenced, the petitioner might have indemnified himself out of the property of the said Mathew.

The petitioner feeling that the state has slept upon its right for many years, until the said Mathew has become insolvent, the security ought not any longer

to be holden. And as it appears to the committee, and as they believe the petitioner is, in his circumstances, not able to discharge the said judgment, and having a large family dependant upon him for their support, and that he ought to be discharged from said judgment, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act for the relief of William Wisner;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. L. Smith, from the select committee to which was referred the petition of William Jauncey Thorn, and James Jauncey Thorn, of the city of New-York, reported:

That the petitioners are the near relatives of the late William Jauncey, of New-York, (deceased) who bequeathed by his last will and testament in due form of law, to said petitioners respectively, a large real and personal estate, and in and by which said will and testament the said William Jauncey declared that it was his most particular desire and injunction, that the petitioner, William Jauncey Thorn, designate himself William Jauncey, without any additional name, and that the petitioner James Jauncey Thorn, designate himself James Jauncey, without any additional name. The committee think that the prayer of the petitioners should be granted. They have prepared a bill accordingly, and have instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. T. L. Smith, according to leave, brought in the said bill, entitled "An act changing the names of William Jauncey Thorn, and James Jauncey Thorn, of the city of New-York,;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Edgerton, from the committee on privileges and elections, to which was referred the petition of Harvey Granger, of the county of Saratoga, and the petition of sundry inhabitants of the town of Greenfield in said county, together with the accompanying documents, reported:

The committee, in the investigation of the subject committed to them, have endeavoured to bestow upon it that consideration which its merits so imperiously require. The petitioner, Harvey Granger, prays to be admitted to a seat in this house as a member of Assembly duly elected from the county of Saratoga. In assigning the cause why the petitioner should be entitled to a seat, he alleges that *fraud* or *gross negligence* is chargeable to the inspectors of elections in the town of Greenfield, in said county; and which, if not corrected, is calculated to destroy all confidence in the purity of elections and prostrate the sovereignty of the people.

The petitioner further states, that it will appear by the affidavits and documents presented with his petition, that at the late annual election held on the 3d, 4th and 5th days of November last, by the certified canvass of the votes of the town of Greenfield, by the inspectors of elections in said town, that Howel Gardner, the candidate for the office of elector for president and vice-president at said election in said town, received *one hundred and eleven* votes for said office. Whereas, by the affidavits of one hundred and seventy-two electors of that town, it appears that the said Howell Gardner received *one hundered and seventy-two* votes for the office of elector. From which facts the petitioner avers that it is manifest that the inspectors of said town have wickedly and corruptly taken from the ballot box appropriated for receiving the ballots of such elector, *sixty-one* votes; or they have so negligently and carelessly kept the said box as to suffer some other evil-minded and wicked citizen to perpetrate the said fraud, and prays that the same may be inquired into by this house.

Accompanying the petition is referred to the committee also the petition of twenty-eight of the inhabitants of the town of Greenfield, praying legislative inquiry as to the allegations stated by the petitioner. In support of these declarations and allegations of the petitioners, are presented the affidavits of one

hundred and seventy-two persons, who swear positively to the fact, that they, at the late election in said town, voted for Howell Gardner for elector of president and vice-president. One hundred and fifty of the persons so sworn or affirmed, have subscribed and taken an oath or affirmation before Judiah Ellsworth, Esq. a commissioner, &c. in the words following, to wit:

Saratoga County, ss.

"The following persons whose names are hereunto subscribed, being severally sworn or affirmed, depose and say, that they did each one for himself during the election held in the town of Greenfield, in said county, on the 3d, 4th and 5th days of November last, present and deliver to the board of inspectors of said election, a paper ballot, containing the name of Howell Gardner, for elector, which said ballot was received by the said board to be inserted in the ballot box."

Of the residue of the 172 persons so sworn or affirmed, it appears that 14 of the number took and subscribed, before Charles Deake, Esq. a commissioner, &c., an oath or affirmation, of the import and substance as above recited; and several other affidavits taken before other individuals of the same amount.

From the state of the case here presented, the committee considered themselves imperiously required to apply to the house for power to send for persons and papers for a further investigation of the matter they had in charge. That power having been granted by the house to the committee, the chairman in pursuance of the order of the committee, issued a summons for each of the inspectors of elections in the town of Greenfield, viz. Jonathan Lapham, supervisor, Solomon Dake, town clerk, and Silas Gifford, Henry Miller and Adam Borkes, jun. assessors of said town. They also issued at the request of the delegation from the county of Saratoga, a like summons for Salmon Childs, Charles Deake, John Prior, Elihu Wing; and also issued, at the request of the petitioner a summons for Seth Hewit and Judiah Ellsworth, which was duly served by the sergeant-at-arms of this house. And in pursuance of the notice so given, each of the persons named in the summons, appeared before the committee, and were sworn and examined, except Seth Hewit, who attended but was not sworn or examined.

From the testimony of the inspectors, it fully appeared that the election in said town of Greenfield, was properly conducted. The inspectors uniformly stated, that the usual care was taken of the ballot boxes during each adjournment of the polls: That a slip of paper was fastened over the hole in the lid of the boxes, by wafers, and also over the key-hole, and that the boxes were returned at the opening of the polls after each adjournment in the same situation The inspectors also testified that two nights of the election the ballot boxes were kept by Solomon Dake, the town clerk, and the keys of the boxes kept by some one of the board. They also state, that one night during the election, the ballot boxes were kept by the supervisor, and the keys by one of the assessors. The supervisor testified, that during the night he had the custody of the boxes, they were locked up in a chest in the house in which he lives. Solomon Dake the town clerk, testified that the two nights the said ballot boxes were in his possession, they were kept in his store, set up on a shelf behind his counter, and his store locked by himself in the evening, the key taken into his dwelling house and hung up. And that during one or both of the evenings while the boxes were in his store, there were a number of people in and about his store on business, and that he was in and out of the store for short periods of time, and thinks it impossible for any one to have interfered, or meddled, or opened the said boxes without his knowledge. The town clerk also testified, that during the three days of election, he had a clerk who attended his store, but slept in his dwelling-house; and that on one of the mornings of the election, his clerk went to the store before him, and was opening the window shutters when he went to the store, and thinks he could not have been there more than five minutes before him. The boxes remained in the store each morning until he started for the election, and he was in and out every few minutes, and no one could have robbed the boxes without his knowledge. The clerk whom he employed

during the election, stayed but four days; lives in the town, and is a young man of fair character and good reputation. The said town clerk further stated to the committee, that Alvah Dake, in his presence, said that the election in the town of Greenfield would be destroyed or set aside, and that he, the said Alvah Dake, would procure some one to vote twice, or get some illegal votes; and that he, the said Alvah Dake, would cause the said election to be lost; and that these threats were made before the election and during the time of the election; and that he, the town clerk, cautioned the board of inspectors to be careful, for such threats were made; and that they were more than usually careful in conducting the election in that town. The town clerk also testified, that a short time after the election, a number of persons were collected at his store, and a conversation was held upon the subject of the late election, and the loss of votes claimed for the Jackson elector. The ballot boxes were then in his store as they had been during the time he had held the office of town clerk, which was since April last; and after examining the locks to the ballot boxes, one key would open four of the boxes; that a part of the boxes were secured by a small chest or trunk lock, and the others by means of small brass pad-locks. He also stated that he had been in partnership with Alvah Dake the season past, in the store, but that they had dissolved, and had never had any difficulty, was no quarrel or ill will existing between them previous to this time to his knowledge. All the inspectors concur in opinion that the election was conducted with more than ordinary caution.

Salmon Childs testified that he is acquainted with all the inspectors of said town, and that they are entitled to the confidence of all who reside in that town, and that Solomon Dake, the town clerk, is an upright and industrious young man. Judge Childs testified that he had known most of the inspectors many years, and had perfect confidence in them all. He also stated that he was disappointed in the result of the election of the town of Greenfield, and that there was something mysterious about it, and that he thought the people there would not be satisfied with the result; but how it was he could not tell—did not think the electors had acted corruptly. He was the opposing candidate to Howell Gardner at the late election for elector, and attended, during the election, the most part of three days.

Elihu Wing testified that he saw the canvass of the votes of the town of Greenfield, and that the inspectors conducted fairly and honestly.

Charles Deake was also before the committee, and said, that he always had the utmost confidence in the board of inspectors of that town, but was dissatisfied with the result of the election in the town; and from the long acquaintance he had in the town, was fully convinced that more votes were given for Gardner than were canvassed. He had attended during the time the affidavits were taken before the commissioner, and had taken several himself; and knew that there must be fraud or corruption, or so many persons would not have sworn to the fact of voting for Gardner.

Judiah Ellsworth testified that he was the commissioner who took the affidavits of a large proportion of the persons who had sworn that they voted for Gardner at the election in Greenfield, and the manner in which he took them. Public notice was given in the newspapers in the county, that on some future day, a commissioner would attend in the town to take affidavits; that the several persons, before the oath was subscribed, had it read over to them, and they were separately asked if they could take and subscribe that oath? which they did voluntarily. No improper means was used to get them to swear. He was three days in the town taking the affidavits: went there at the request of several respectable individuals. Judge Childs attended a part of the time, and proposed to have the oath administered to persons, to make true answers to such questions as should be put to them, and to have them cross-examined; but he refused, and gave his opinion that it would take more time than would be necessary, and he should not be able to get through. Took the ages of the persons who were sworn. There were a number who could not write; and in every instance, but one, the person who gave the vote to such person at the election, was sworn, and testified that they saw such person deliver the ballot to the board of inspectors.

John Pettut testified that the character of the board of inspectors of the town of Greenfield, is established as honest and fine men.

Alvah Dake also testified to his testimony as taken down by one of the committee, marked No. 10, to which the house is referred. A large number of other affidavits, in their character various, and to the committee wholly irreconcileable, have been submitted, which are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.

The certificate of the town canvass has been furnished the committee, from which it appears, that Howell Gardner, at the late election in the town of Greenfield, received one hundred and eleven votes; to which certificate they beg leave to refer, marked No. 12. The official canvass, also, of the county, has been furnished the committee, marked No. 13, to which the committee beg leave also to refer the house.

The committee have had suggested to them, several expedients, to arrive at the truth in the investigation of this matter; but they could not be fully convinced as to their propriety. It has been suggested to the committee, to institute a commission to go into the town of Greenfield, to take the deposition of all the voters in said town. The committee, however, thought this course objectionable. It has also been under consideration before the committee, whether they would allow evidence to come before them to impeach the credibility of the affidavits submitted, inasmuch as that course would involve a protracted and irritating inquiry as to the credibility of the witnesses who have been adduced by both parties. And as the technical rules of legal evidence are extremely perplexing in an investigation of this description, to refuse to hear any evidence that might be offered, would be a denial of justice to the parties interested.

The committee have gone thus far, in giving a concise view of the features of the case about to come before the house.

They cannot, however, forbear to remark, that they have earnestly labored to look at the subject before them, divested of all its party coloring, and stript of all its extraneous circumstances. They are aware that feelings of a nature not the best caculated to develope the real merits of the question in issue between the petitioner and those accused, may have had an influence in forming a judgment; but if such feelings have existed, the committee are unconscious of their bias or control on this occasion. What, then, is the point in issue? A highly respected and respectable citizen, charges the inspectors of an election equally respected and respectable, with fraud, corruption or gross negligence in the discharge of important, solemn official duty. Nothing less is involved in this question, than the purity of our elections, or the final and fatal overthrow of all that is valuable and all that is dear to the heart of a freeman in this great, this prosperous and happy republic. If the choice of our rulers is to be arrested from us by the corruption of our inspectors of elections at the ballot boxes, well may we be alarmed; and as sentinels and as guardians of the birthright for which our fathers pledged before the world, their "lives, their fortunes and their sacred honors," we are bound to take warning. If, on the other hand, the character, the integrity, the purity of our public officers is to be assailed by the rude assaults of party animosity and political strife, then farewell to our boasted institutions, our civil rights, if not summarily and speedily redressed. No reprehension can be too severe, and scarcely any punishment too rigorous, if the inspectors of this board of election are guilty of that with which they are charged. No sentence within the range of our penal code, would scarcely be too hard for men who would conspire to destroy the character of this board of inspectors, by asserting that to be true which they knew to be false, while in the discharge of official duty.

The committee have found great embarrassment in attempting to arrive at reasonable certainty upon the case before them. From the peculiar nature of the points in issue, and being without example or precedent to guide them in their labors, as far as legislative authority is concerned, they have hesitated, and have forborne to express their own opinions but with extreme diffidence. Will corruption, if brought home to one box in the election in question, vitiate

and destroy the remaining ballots found in other boxes, when all are included in the same certificate of the inspectors? The committee are aware that a sort of legal maxim exists, that bad in part, bad as a whole. Has this house the authority to invalidate the election of a member of this house, because improper conduct or corruption has tainted the election of another and distinct officer of the government, although voted for at the same election? Would corruption in an election of a justice of the peace at the election in question, have deprived a member of this house of a seat here, who held the official certificate, had such corruption, fraud or gross negligence been proved beyond the power of contradiction? These, and many other questions of a similar nature and like import, every member of the house will readily perceive, can be put.

From the detail of the evidence, a subject of all-pervading interest in an elective government, it appears that the oaths of more than sixty witnesses contradict the certificate of the inspectors, as to a part of the facts attested by that certificate. If this great number of witnesses inform the committee truly, it will at least give the character of direct falsity to some parts of the certificate, and of doubtful certainty to all the rest of it; and places the evidence to be derived from that certificate, in a situation similar, in the opinion of the committee, to that of a witness in a court of justice, who should testify to several material facts, on one of which material points, his testimony should be fully proved to be wholly destitute of truth. In the absence of all other evidence, a court of justice, as the committee apprehend, would not permit the rights and interests of a party to be affected or compromitted by testimony so tainted and invalidated, especially if that departure from truth be of such a complexion as to evince design and impure intention. The inspectors have been allowed, and that too very properly, by the committee, when their official acts were directly drawn in question, to purge themselves and their own conduct, by their own testimony, subject, however, in the opinion of the committee, to the caution which should attend the reception of testimony or evidence from such a quarter. And it is to be observed, that the scope of their testimony is directed to the exclusion of the fact; that their certificate contains any thing but the real truth, and particularly denies that any person or persons but themselves, or one or more of them, could have the means of altering the ballots in the boxes. The town clerk particularly states, that he heard (before the election) threats of destroying the election of that town—extraordinary as it might seem, that any person of sane intellect, should deal in such threats, as all such threats must have lacked power to change ballots in the ballot boxes, honestly, safely and exclusively kept by the inspectors themselves, and that, too, while they had the power to determine what ballots should be received.

This part of the testimony might well have suggested the reflection to the committee, that it is well adapted to provide a coloring for the serious apprehensions as to the nature of the events that have alarmingly happened, if we give credit to the sixty witnesses to the fact that the ballot boxes were rifled of their contents. Words alone, without the use of more prevailing and seducing means, could never open the ballot boxes, or change the contents. And yet this has been done, provided the testimony of more than sixty electors of that town may be safely credited.

Again: The committee will observe, that the investigations which have been had; the collection of the evidence, and the proceedings in the town to present the case to this house, have been open and public, with previous notice in the public newspapers, thereby affording opportunity to discredit or throw doubts on the testimony of the electors who stand arrayed by their oaths against the inspectors. Opportunity, however, will be afforded, the committee hope, (if such is wanted and can be had,) to invalidate their testimony or destroy their credibility, if practicable, and put this subject in its true light.

The case is peculiar, as the committee have before remarked, and is distinguished, in its leading features, from any other that has ever come before this house. If there is wrong here, it is wrong by design, and can scarcely be attributed to accident, mistake or honest error of judgment. Whether it is with-

in the province of the committee to look for or designate the persons or person who have done the alleged mischief, and committed so flagrant an outrage upon the rights of electors, which, if tolerated, or permitted to escape the most rigorous reprehension within the power of the house, would endanger the whole fabric of elective government, and strike a deadly blow at the most sacred rights of a free people, is what the house must determine. Fraud, or even uncertainty in the returns of elections, is death to the liberties of our constituents.

If the canvass of the votes in the town in question, is deprived of the certainty which the inspectors' certificate imports, the committee know of no mode within the constitutional power of this house, to restore it to certainty. But we can so far protect the purity of our own body, as to permit no seat therein to be holden, on the strength of a certificate that is false or fraudulent in whole or in part; and if a certificate is found to be false in part, it would be unreasonable to presume, without some redeeming certainty, that it is true in the other part. If there is fraud, corruption or gross negligence in the ballot box in question, it would taint the whole election of the town; and the gangrene limb must be amputated, and to be effectual, it must be entire. The example and tendency of giving credit to a false certificate, would be more dangerous, in the opinion of the committee, to the rights of suffrage, than its total rejection.

Amid the regrets occasioned by the painful duty imposed upon the committee, of considering even a supposed case of fraud and corruption, at all, they find a consolation in its happening at a time when (as far as this house is concerned) no object can be derived or aimed at, but a faithful support of the great principles on which depend the safety of all our rights and institutions.

In conclusion, the committee feel compelled to entreat the pardon of this house, for the great length of their report: which nothing but the magnitude of the question involved could have justified. It, however, is due to the house to state, that the committee are not unanimous in the resolutions which they now submit to the house.

Resolved, (as the sense of this house,) That they are satisfied that fraud or corruption has been practised upon the ballot box for elector and member of congress, at the late election in the town of Greenfield, in the county of Saratoga; but they have not conclusive evidence that such fraud or corruption was practised by the consent or with the knowledge of the board of inspectors of said town.

Resolved, (as the sense of this house,) That the election in the town of Greenfield is void and of no effect, and that the prayer of the petitioners ought to be granted.

[*For the Documents alluded to in this Report, see* Appendix C.]

Ordered, That the said report and resolutions be committed to a committee of the whole house.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

Mr. Dana, from the committee on courts of justice, to which was referred the petition of Hoel Stevens and Betsey Hurlburt, reported:

That the petitioners represent that Ashbel Hurlburt, late of the state of Vermont, died seized of about one hundred and seventy-nine acres of land, in the county of St. Lawrence in this state, leaving a widow, (the petitioner Betsey Hurlburt) and three minor children: That the timber growing on the said land, which constitutes a considerable part of its value, is subject to the depredations of trespassers, and that the interest of the said children requires that the said land should be sold, and requesting the passage of an act to authorise the petitioners to sell the same under such restrictions as may be necessary to secure the interests of the said children.

By an act of the legislature, passed 24th March, 1815, ample power is given to the chancellor to order sales in such cases, which power has since been extended to circuit judges.

As a court of equity is peculiarly qualified to ascertain the facts and guard the rights of these children, the committee deem it proper to refer the petitioners to that tribunal, and they have therefore directed their chairman to submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of the inhabitants of the town of Ossian in the county of Allegany, reported:

The petitioners represent that they are located nigher to Genesco the seat of justice in Livingston county, than to Angelica the seat of justice in Allegany county, and that it would be a great convenience to them to be annexed to the county of Livingston. It was also represented to the committee that the county of Allegany is indebted in the sum of six thousand dollars, which sum was expended in building a court-house and fire proof clerk's office, and in the improvement of roads in said county, five hundred dollars of which was expended in the town of Ossian; which moneys have now become due, and are about to be levied on said county.

The committee are aware, that in the alteration of county lines, a due regard ought to be paid to the interest and convenience of all who are to be affected by such alteration; and in arriving to the conclusion to which the committee have come, they have endeavored to keep this principle in view. The committee are of the opinion, from the facts before them, that it is more of an object with the petitioners to evade the payment of their proportion of six thousand dollars, than to be located nigher to the seat of justice. The committee believe that it would be manifest injustice to set off the town of Ossian, and thereby exempt it from the payment of its proportion of monies in which it had so largely participated. They therefore recommend to the house the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to which was referred the petition of Orson Smith and others, of the county of Berkshire in the state of Massachusetts, praying for the passage of a law to grant to them certain bounty lands, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of the heirs and legal representatives of David Smith, deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of Nathan Underwood and others, of the town of Litchfield in the county of Herkimer, praying that the interest on certain monies due to the state may be remitted, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Nathan Underwood;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hubbell, from the select committee to which was referred sundry petitions of members of the bar, and others, inhabitants of the two western districts of this state, praying for the establishment of a supreme court clerk's office at the village of Canandaigua in the county of Ontario, reported:

That the petitioners represent, that their great distance from any office of a clerk of the supreme court, renders their communication with such office always slow and expensive, and frequently subjects them to very serious inconve-

nience and losses, when immediate reference to the public records becomes necessary. They therefore pray that an act may be passed, directing the appointment of a clerk of the supreme court, with an office to be kept at the village of Canandaigua in the county of Ontario.

The committee have enquired, as far as they have been able, into the merits of this application, and beg leave to state the following facts in relation to the same:

Previous to the year 1807, there were but two clerk's offices of the supreme court, one in the city of New-York and one in the city of Albany, where the terms of the court were then held. In the year 1807, an act was passed, authorising the appointment of a third clerk, with an office at Utica in the county of Oneida. And by an act passed in the year 1820, the sheriffs of all the counties west of and including the counties of Chenango, Herkimer, Lewis and St. Lawrence, are directed to return process issuing out of the supreme court, to the clerk's office at Utica. These counties so enumerated, from their geographical situation, would naturally have recourse to the office at Utica, as the nearest and most easy of access, until one farther west should be established; and it was for the accommodation of these counties, that the office at Utica was originally established.

It appears that in the year 1807, from the best calculation which can be made from the preceding and succeeding census, the whole of the western counties so to be accommodated by the office at Utica, contained a population of one hundred and ninety-six thousand six hundred and thirty. The same counties, by the census of 1825, contained seven hundred and sixty-eight thousand three hundred and eleven inhabitants; and at the present time, the number must considerably exceed eight hundred thousand, or nearly one half of the population of the whole state.

A clerk's office at Canandaigua, would naturally be resorted to by the inhabitants of the counties of Chautauque, Cattaraugus, Erie, Niagara, Orleans, Genesee, Allegany, Livingston, Monroe, Ontario, Steuben, Yates, Seneca and Cayuga, and probably by some still farther east, as being more convenient than the office at Utica. And the counties last enumerated contained, by the census of 1825, three hundred and seventy-three thousand seven hundred and nineteen inhabitants; at present the number is over four hundred thousand, and is very rapidly increasing.

It is a fact so well known, that it may be superfluous for the committee to state, that applications to the supreme court clerk's office are frequently and necessarily made, not only by attorneys in the regular prosecution of suits, but by every man who takes a conveyance of real estate, and wishes to be assured that he is receiving a title free from incumbrance; a variety of other cases also require a resort to the records of the court. And some idea may be formed of the very frequent applications to the clerk's office which are necessarily made by practising attorneys and sheriffs, from the fact, that in prosecuting and collecting by execution a note in the simplest and shortest method, it becomes necessary to apply to the clerk at least ten times; the distance of an office, therefore, becomes a very serious consideration. By establishing the proposed office at Canandaigua, a distance of about 180 miles on an average in going and returning, will be saved, in every time it becomes necessary for any of the inhabitants of the counties named to send to the office; and all who reside as far west as Canandaigua, will, in each such application, save the distance of 224 miles, the latter place being 112 miles west of Utica.

An accommodation so much needed, is not now for the first time asked for by the petitioners. It appears that in the year 1820, petitions for the same object were presented to the Honorable the Senate; and a bill granting the prayer of the petitioners, was passed by that body in committee of the whole, but was finally lost; the proceedings on which may be found in the Journals of the Senate for that year, at page 223, &c. From that time to this, the application has been at different times renewed, and hitherto without success.

The committee have directed their inquiries to one point farther; and without going into detail at present, they report that they are satisfied that there would be a sufficiency of business done at the proposed office, to make it an inducement to a competent and fit person to take the appointment, the fees remaining the same as they now are, without any expense to the state for his salary or disbursements. And at the same time, a population of 400,000 will remain in the counties which will continue to resort to the clerk's office at Utica; so that no injustice will be done to the clerk at that place.

As to the particular location of the office at the place proposed in the petitions, it is proper to state, that the village of Canandaigua is as nearly central to the population to be accommodated, as any village that could be selected. It is the place where the circuit courts, the court of equity, and the county courts are regularly held: It is situated on the road which is the greatest thoroughfare of the west, passing through the middle tier of counties: And in regard to the post-office, it is not only a *distributing office*, but from this point the mail is carried twice every day by stages in a northwesterly direction, by the way of Rochester, to Lockport and Lewiston; three times a day to Buffalo, by the way of Batavia; once every day, by a more southerly route through the south part of Genesee county, to Buffalo; once every day, by the way of Geneseo, to Allegany, &c.; once every day, south to Steuben county; once every day, southeast through Yates county, &c.; once every day, north through the county of Wayne, &c.; and three times every day east, besides several smaller mails in different directions. This place seems therefore to be strongly indicated as the proper location for the proposed office, and no other place has been in any manner proposed to the committee.

In view of the whole subject, the committee think a public accommodation of so much importance to a growing population already consisting of upwards of 400,000, which can be granted without any public expense, and without any serious individual sacrifice, ought not to be withheld, but that the prayer of the petitioners ought to be granted. They have therefore instructed their chairman to ask leave to bring in a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Hubbell, according to leave, brought in the said bill, entitled "An act for establishing a clerk's office of the supreme court in the village of Canandaigua, in the county of Ontario;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Titus, from the select committee to which was referred the memorial of sundry inhabitants of the city of New-York and of the county of Ontario, relative to the abolition of slavery in the District of Columbia, reported:

That they have given said memorials all the consideration which the importance of the subject requires; and have reason to believe that a vast majority of the citizens of the non-slaveholding states, have for a long time regarded the existence of slavery in that district of our country, as entirely inconsistent with our national character and our republican professions and institutions. This fact must be obvious to every man who reflects how explicitly and solemnly it is set forth in the preamble of our charter of independence—that all men are created equal—that they are endowed by their creator with certain unalienable rights—and that among these are life, liberty, and the pursuits of happiness. The committee cannot but view with astonishment, that in the very Capital of this free and enlightened country, laws should exist by which the free citizens of a state are liable, without trial, and even without the imputation of a crime, to be seized while prosecuting their lawful business, immured in prison, and though free, unless claimed as a slave, to be sold as such for the payment of jail fees.

Many of our coloured people are employed in various capacities on board of our merchant vessels: in these they are carried up the Potomac; and when,

as is not unfrequently the case, they are discharged within the District of Columbia, they are frequently seized, imprisoned, advertised and sold.

That sacred spot, consecrated as it were to freedom, by being set apart as the seat of the national government, and the site of the great national temple of liberty, should be entirely clear of this stigma.

The committee would respectfully suggest that a resolution, calling the attention of our senators and representatives in congress, to this subject, would likely be a help in removing slavery from that district.

The committee have directed their chairman to bring in a resolution for the consideration of the house, to that effect.

Resolved, (if the Senate concur herein,) That the senators of this state in the congress of the United States, be and are hereby instructed, and the representatives of this state are requested, to make every proper exertion to effect the passage of a law for the abolition of slavery in the District of Columbia.

Ordered, That the said report and resolution be committed to a committee of the whole house.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

Mr. Arnold, from the select committee to which was referred the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty," reported, that the committee have had the said bill under consideration, and with the amendments therewith submitted, recommend that the same be passed into a law.

Ordered, That the said bill and amendments be recommitted to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to continue in force the act authorising Russel Atwater and his associates to erect a toll-bridge over the Black river," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to continue in force the act authorising Russel Atwater and his associates to erect a toll-bridge over the Black river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Ordered, That Mr. Young have leave of absence for four days, and Mr. Wheeler for three days.

Ordered, That the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, be discharged from the further consideration of the petition of Wessel and George Ten Broeck, and that the same be referred to the committee on grievances.

Mr. Dyckman gave notice that he would, on some future day, ask leave to introduce a bill in relation to the appointment of public notaries, commissioners of deeds, masters in chancery and examiners in chancery, in the city of New-York.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being further amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act for the relief of Francis Wilkinson and others;" one of the said amendments being to alter the title to "An act for the relief of the heirs of John Wilkinson."

The said bill and amendments were read; and the amendments having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	95
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Hubbell	Mr. Savage
Mr. Armstrong	Mr. Efner	Mr. Ives	Mr. Scott
Mr. Arnold	Mr. Eldridge	Mr. Johnson	Mr. Sheppard
Mr. Austin	Mr. Falley	Mr. Jones	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Judd	Mr. T. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Keith	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Speaker
Mr. E. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. Spier
Mr. Barnett	Mr. P. C. Fuller	Mr. Mallory	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. Mandeville	Mr. Tabor
Mr. Bradish	Mr. Garbutt	Mr. Mann	Mr. Teller
Mr. Brinkerhoff	Mr. Gardiner	Mr. M'Crea	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. J. M'Donald	Mr. J. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. W. M'Donald	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Mixer	Mr. Vanderbilt
Mr. Case	Mr. Graham	Mr. Morell	Mr. Van Wyck
Mr. Chandler	Mr. W. Hall	Mr. Myers	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Noble	Mr. Waugh
Mr. Curtiss	Mr. Hascall	Mr. Norton	Mr. Wheeler
Mr. Dana	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Dayton	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Dickson	Mr. Holdridge	Mr. Redfield	Mr. Wyckoff
Mr. Dyckman	Mr. Hornbeek	Mr. Sanford	95

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A communication from the comptroller was read, in the words following, to wit:

The comptroller, to whom was referred by the honorable the assembly, the petition of William Williams, receiver of the Bank of Niagara, relative to the claim of the state against the said bank, and the property which has been assigned, and the collateral security given by the bank therefor, respectfully reports:

That on the 26th of January, 1825, the senate passed a resolution calling upon the comptroller to furnish that house with a statement of the debt against the bank, and of the collateral security that was given for it, with all the circumstances relating thereto. On the 28th of the same month the comptroller made a full report on all the matters embraced in the resolution. This report will be found in the journal of the senate of 1825, page 96. The information set forth in it relative to the collateral security, the circumstances under which it was given, and the proceedings on the part of the state in relation to it, as they had transpired at the date of that report, are fully detailed therein. At the session of the legislature in 1827, the president, directors and company of the Bank of Niagara presented a memorial to the legislature on the same subject, to which the petition of the receiver relates. On the 12th of January, (see journals of the assembly of 1827, pages 178–9, &c.) the comptroller made a further report on the same subject. This report and the former one contain all information that this department affords.

The comptroller is not aware that any thing has taken place since the last report, to change the character of this demand of the state.

Respectfully submitted,

PHILIP PHELPS.

Acting Comptroller.

Ordered, That the said communication be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to divide the town of Camillus, in the county of Onondaga;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of the members attending this house from the county of Onondaga, to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mandeville, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

SATURDAY, JANUARY 31, 1829.

The House met pursuant to adjournment.

The petition of Huldah Moger, the heir at law of Joseph Hubbard, praying for a grant of land for revolutionary services alleged to have been rendered by the said Hubbard, was read, and referred to the committee on claims.

The memorial of sundry inhabitants of the county of Otsego, praying for the incorporation of a company for the purpose of improving the navigation of the Susquehannah and Chemung rivers, was read, and referred to the select committee upon that subject, of which Mr. Mann is chairman.

The petition of the president, directors and company of the Fulton Bank, praying for an amendment of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the counties of Tioga, Steuben, Yates, Ontario, Tompkins and Seneca, praying for the passage of an act authorising the construction of the Chemung canal, was read, and referred to the committee on canals and internal improvements.

Mr. Matthews, from the committee on the manufacture of salt, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Matthews, according to leave, brought in the said bill, entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other

purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Savage, from the committee on grievances, to which was referred the petition of John I. Van Alen, agent and secretary of the Beaver manufacturing company, reported:

That the petitioner, together with Abraham I. Van Alen, Adam Van Alstyne and John Stephenson, all of Kinderhook, have caused themselves to be incorporated under the general law of this state, for the purpose of manufacturing cotton goods, by the name of the "Beaver Company," with a capital of one hundred thousand dollars: That about fifty thousand dollars of the capital has been actually paid in; and the whole of the monies so paid in, were invested in buildings, erections and machinery, on the Kinderhook creek, where the petitioner and his associates have for some time past actively carried on the business of their incorporation.

The petitioner represents, that on the morning of the 11th of April 1828, the main factory was discovered to be on fire; and notwithstanding every effort to prevent such a result, all the buildings, with the machinery, and a large quantity of stock and cloth, and yarn partly manufactured, were wholly destroyed.

It is further represented, that the loss sustained is, at the lowest calculation, at least thirty-five thousand dollars, of which only nine thousand dollars were insured.

And the petitioner further states, that the said establishment being owned by only four persons, and one of them owning only one thirty-second part, he and his associates cannot rebuild the same, unless they can obtain a large loan upon a liberal credit: That they can furnish to the state satisfactory security for the repayment of any monies that may be loaned to them for the purpose aforesaid.

The petitioners therefore pray that a law may be passed, authorising a loan of fifteen thousand dollars for seven years, out of monies in the treasury belonging to the school fund, with interest at the rate of seven per cent per annum.

From information derived from gentlemen acquainted with the petitioners, the committee are satisfied that the petitioners are men of fair characters, and active and useful members of society.

The committee will not go into a detailed statement of the reasons which induce them to recommend to the legislature the passage of a law for the relief of the petitioners. It is sufficient to call the attention of the house to the kind and fostering care which this state has always had over our manufacturing interest; and not doubting, that in a case like the present, when a few worthy individuals have sustained serious losses, that the same liberality which has been extended to the important interest of manufacturers, will be meted out to the petitioners.

If it were necessary, the committee might also refer to the liberality and munificence of the state, in the respective loans to the Delaware and Hudson canal company, of the year 1828, and to a loan to the county of Erie, of the present session; and might reason from analogy, that if it is correct to loan to private companies, and to counties, for praiseworthy and useful improvements, it is, to say the least of it, equally correct to extend that credit to private citizens, laboring under losses sustained, not by their own negligence, but by the act of God, especially as in both cases abundant security is offered.

The committee have come to the conclusion, that the prayer of the petitioners is reasonable; and have directed their chairman to introduce a bill, authorising the aforesaid loan to the petitioners, on receiving security to be approved of by the comptroller; and which he now asks leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act authorising a loan to John I. Van Alen and his associates;" which was read the

first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the petition of Victor Putnam and others, inhabitants of the county of Yates, praying for a reduction of the compensation allowed by law to brigade inspectors, reported:

That the compensation allowed by law to brigade inspectors, is, for inspecting a regiment or separate battalion, six dollars; for attending each parade of commissioned, non-commissioned officers and musicians, which he is required by law to attend, six dollars; and for making and transmitting to the adjutant-general, an inspection return of his brigade, six dollars.

The committee are aware, that on first thought, this seems to be rather an extravagant compensation: But when it is considered, that this is a very important office in the militia; that the law makes it an imperative duty on him, twice in each year, to make a military tour through his brigade, to attend the officer drills, and inspect the several regiments; and also to make and transmit to the adjutant-general, an annual brigade inspection return; is more burthensome, in the opinion of the committee, than it is supposed to be by the petitioners.

In several brigades where the population is dense, the local boundaries and beats of the several regiments is such, that the inspector may, without much inconvenience, attend the officer drills, and take the inspection of the different regiments in succession each day, until he shall have completed the whole of his tour.

The committee are, however, sensible that this remark will not apply to a great number of the brigades in this state. In many places, the officer drills and regimental inspections are so far distant from each other, that there has to be an intermediate day between each parade day, to allow the inspector time to travel from the one place of parade to the other; and it must be obvious to every one, that the expense of travelling on these intermediate days, (for which he receives no compensation,) cannot fall much short of the necessary expenses on actual parade days.

And considering also the requisite qualifications necessary for a full discharge of the duties of this office—that the inspector has generally to leave home one day before, and is not able to return till the day after he shall have completed his inspections, besides the necessary intermediate days, for all of which he receives no pay; and adding to this the necessary expenses attending the two different tours he has to make through his brigade in each year, has induced the committee to believe, and they are of opinion, that the compensation now allowed by law to brigade inspectors, is nothing more than a fair equivalent for the services rendered, and that the prayer of the petitioners ought not to be granted. They have therefore directed their chairman to offer the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Ordered, That the usual number of copies of the said report and resolution be printed for the use of the legislature.

Mr. Mixer, from the committee on claims, to which was referred the petition of Joseph Lamb, legal representative of the heirs at law of John Thompson deceased, praying for the passage of a law to grant to him certain military lands mentioned in the petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mixer, according to leave, brought in the said bill, entitled "An act for the relief of the heirs and legal representatives of John Thompson deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Brockport

in the county of Monroe, praying for the passage of a law to incorporate said village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to incorporate the village of Brockport;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Waring have leave of absence for four days, Mr. Titus for twelve days, and Mr. Jones for twelve days.

On motion of Mr. Edgerton,

Resolved, That the committee on ways and means be instructed to enquire into the expediency of providing by law for the sale of lands liable to be sold for taxes, in the county where the lands are situated, and not at the seat of government, as is now provided.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie," and find the same correctly engrossed.

Thereupon,

Ordered, That the said bill be referred to the committee appointed under the 47th rule of this house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians," and find the same correctly engrossed.

The said engrossed bill, entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Dayton,

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act concerning marine insurance in the state of New-York;" and that the said bill be recommitted to a select committee, consisting of Mr. Dayton, Mr. Mallory and Mr. Starr, to sonsider and report thereon.

A communication from the surveyor-general was read, in the words following, to wit:

The Surveyor-General, in compliance with the resolution of the Honorable the Assembly, requiring him to report what public lands reserved for literary purposes, and not otherwise appropriated to the literature fund or otherwise, belong to the people of this state, &c. respectfully reports:

That the following is a statement of lots in the county of St. Lawrence, which were reserved for the promotion of literature, and which have not been specifically appropriated, with the number of acres and appraised value annexed to each:

	Acres.	Appraised Value.
In Madrid, ...	640	$1918 69
Oswegatchie, ...	640	679 82
Cambray, ...	640	716 49
Louisville, ...	640	1379 00
Lisbon, ...	640	715 69
Stockholm, ...	640	1305 03
De Kalb, ...	640	963 07
Hague, mostly covered with water, ...		144 90

Of the lots reserved in the counties of Chenango and Broome, there remain unsold, 1702 acres, ... $3502 65

All in the military tract have been disposed of.

By the act, ch. 199, passed April 13th, 1813, the literature lots in the military tract, and in the counties of Broome and Chenango, were directed to be sold, and the avails to be invested for the benefit of academies, to be distributed among them by the regents of the university, excepting those lots that were specifically appropriated. The proceeds of the lot in the township of De Kalb, is, by the act, ch. 244 of 1826, also directed to be applied to the literature fund.

The following appropriations have been made, to be paid by sales of the literature lots not appropriated to the literature fund, which, besides those above stated, comprehend the literature lots in the township of Benson, and the townships in Totten and Crossfield's purchase:

To Middlebury academy, ...	$1000 00
Redhook academy, ...	1000 00
St. Lawrence academy,.....	2500 00

The surveyor-general's report, at page 343 of the Journal of the Senate for the year 1826, gives further details on this subject, which it may be useful to consult.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*

January 31, 1829.

Ordered, That the said communication be referred to the committee on colleges, academies and common schools, and that the usual number of copies of the same be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act for the relief of the trustees of the Rensselaer Oswego academy."

"An act incorporating the Susquehannah bridge company of the village of Binghamton."

MARTIN VAN BUREN.

Albany, January 31, 1829.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I cannot approve of the bill entitled "An act to allow Rebecca Albro, wife of Wait Albro, of the town of Beekman in Dutchess county, to receive certain legacies left her by her grandfather;" and do therefore return the same to thes Asembly, with these my objections.

The petition, upon which this bill is founded sets forth, that the petitioner was deserted by her husband, in the month of August last, he having previously conducted himself in a very exceptionable manner; that she does not know where he now is, and that since that period, a legacy has been left to her by her grandfather. Upon these *ex parte* allegations, sustained to the satisfaction of the committee, it is proposed by the bill to divest the husband of the petitioner of his acknowledged legal rights, without giving him an opportunity to be heard in their defence. I have no reason to doubt the equity of this application, or to question the good faith in which it is made, and my objections to the proposed relief do not, therefore, arise from a supposition that in this case, positive injustice will be done to the absent party. It is becausc I consider the provisions of the bill objectionable in principle, and from an apprehension of its injurious influence on the score of precedent, that I am constrained to withhold my approval thereof. The constitution declares that "no member of this state shall be disfranchised or deprived of any of the rights or

privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers." Although the general object of this provision was designed for the protection of our citizens charged with offences, its spirit is justly applicable to every case of private right. By "the law of the land," is to be understood the general law, applying equally to all citizens, and to be administered through the instrumentality of the judicial power, and not to mere private acts, without the intervention of previous judicial enquiry. To refuse legislative aid in every case where competent relief can be afforded by the established judicial tribunals of the country, ought therefore to be regarded as an established axiom in legislation. It will be seen by the communication of the chancellor, herewith transmitted, that such relief can be afforded in the present case. It would doubtless save the petitioner some expense to obtain redress through the channel she has selected, and if, in other respects allowable, our feelings for her sex and condition should induce us to grant it. But that consideration is not sufficient to justify us in unnecessarily and definitively passing upon the rights of a citizen in his absence, and without an opportunity of being heard, and in confounding the appropriate duties of separate departments of the government, the action of which should be kept distinct, as far as may be practicable. It is not intended by these objections to raise the abstract question of the power of the legislature in the premises. I am aware that many private acts have already been passed, that conflict with the principle I advance; but I am also aware that the increase of legislation upon private rights, under various and imposing representations of hardships and inconvenience, has in the judgment of observing and respectable men, become an evil calling for restraint rather than extension.

MARTIN VAN BUREN.

Albany, January 31, 1829.

Albany, January 27, 1829.

Dear Sir,

I have examined the bill to allow the wife of Wait Albro to receive certain legacies; and if the facts are as represented in her petition, there is no legal objection to her receiving a support for herself and children out of the legacy and distributive share of the estate of her grandfather, left her by his will. It was for a long time doubted whether the court of chancery would interfere on a direct application of the wife against the husband, to restrain him from obtaining her separate property without making a suitable provision for her support: although it was the ordinary practice of the court to require such provision when the husband applied for the aid of chancery to obtain her separate property. At length, in the case of Gardner v. Walker and wife, (1 Strange, 503) Lord Macclesfield decided that the wife's equity was to be protected, whoever might be the plaintiff in chancery: And this decision has been since followed in the English courts of chancery. This subject is treated of at large in the 2d chapter of the fifth book of Clancey's Rights of Women; where all the English cases on the subject are collected. The English cases were received by the court of errors in the state in the case of Udall and Kinney v. Kinney, (3 Cowen's Reports, 590) and the right of the wife to a support for herself and children out of her equitable property, in opposition to the claims of the husband, was fully sustained.

The only question which can arise on this bill, is as to the propriety of legislating on the subject without giving the husband the right to be heard, which he would have if the wife filed her bill in equity. That however is a question on which it cannot be necessary that I should express any opinion in this particular case, as I presume there is not doubt as to the facts alleged in the petition on which this law is founded. But cases might occur in which injustice might be done by settling the rights of husband and wife by ex parte legislation.

I am with great respect, yours &c.

R. HYDE WALWORTH.

His Excellency Governor Van Buren.

Thereupon,

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, notwithstanding the objections of the Governor; and it was determined in the negative, there not being two-thirds of all the members present voting in favor thereof.

{NAYS 85}
{AYES 03}

Those who voted in the negative are—

Mr. Armstrong	Mr. Defreest	Mr. Hornbeek	Mr. Sanford
Mr. Arnold	Mr. Dickson	Mr. Hubbell	Mr. Savage
Mr. Austin	Mr. Dyckman	Mr. Ives	Mr. Scott
Mr. Bacon	Mr. Efner	Mr. Jenkins	Mr. Seeley
Mr. C. Baker	Mr. Eldridge	Mr. Johnson	Mr. Sheppard
Mr. E. Baker	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. A. Smith
Mr. Barnett	Mr. Franklin	Mr. H.W. Livingston	Mr. L. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Soper
Mr. Bradish	Mr. Gardiner	Mr. Mathews	Mr. Speaker
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Crea	Mr. Spier
Mr. Brown	Mr. Gosman	Mr. W. M'Donald	Mr. Stanton
Mr. Burt	Mr. Graham	Mr. Mixer	Mr. Tabor
Mr. Cargill	Mr. Graves	Mr. Morell	Mr. Teller
Mr. Carley	Mr. J. Hall	Mr. Myers	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Noble	Mr. Van Wyck
Mr. Chandler	Mr. Hammond	Mr. Norton	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Partridge	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Williams
Mr. Davenport	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Dean			85

Those who voted in the affirmative are—

Mr. Bailey	Mr. Curtiss	Mr. Garnsey	3

A communication from Ithamar Osborn, John P. Haff and Henry Leek, inspectors of sole leather in the city and county of New-York, was read, in the words following, to wit:

In compliance with the law of 1823, the undersigned, four of the inspectors of sole leather for the city and county of New-York, beg leave to report the number of sides of sole leather inspected by them, from the first day of January 1828, to the first day of January 1829; and, as nearly as may be, the value of the same, together with the fees or emoluments arising from said office.

The whole number of sides inspected, ...	234,935	
Average weight at 13 pounds the side, ...	Lbs. 3,054,155	
Value of the same, at an average of 19 cents per pound,.....		$580,289 45
The office fees of 234,935 sides, at 2 cents per side, will amount to	$4,698 70	
Expenses for labor hire, ...	427 40	
		$4,271 30

This balance divided among four, will be $1,067.82 each.

The above is respectfully submitted,

ITHAMAR OSBORN,
JOHN P. HAFF,
HENRY LEEK.

John Peterson, the fourth, being absent from town, his signature could not be obtained in time.

Ordered, That the said report be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act further to extend the time for the payment of moneys loaned by the commissioners of loans and loan officers, to citizens of this state," with the amendments therewith delivered.

The said bill and amendments were read.

Ordered, That the said bill and amendments be referred to a select committee, consisting of Mr. Noble, Mr. White and Mr. Eldridge, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the village of Lockport;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Garnsey, Mr. Bradish and Mr. Morell, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to alter the time of holding the annual town meetings in the town of Pompey in the county of Onondaga," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock on Monday morning next.

MONDAY, FEBRUARY 2, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Queensbury in the county of Warren, praying for the passage of a law to authorise the overseers of the poor of said town to pay certain monies to the treasurer of said county, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the towns of Goshen, Walkill, Montgomery, New-Windsor and Blooming-Grove, in the county of Orange, against the erection of a new town from parts of said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Ezra Babcock, and the administrators of Isaac Allen, praying legislative relief on account of the loss of a certain deed and mortgage, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Rensselaer, praying for the construction of a turnpike road from Troy, by the way of Penisten-kill, to Bennington in the state of Vermont, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Montgomery and Schoharie, praying for the repeal of the law prohibiting the practice of botanic physicians, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of a company for the purpose of improving the navigation of the Susquehannah and Chemung rivers, was read, and referred to the select committee upon that subject, of which Mr. Mann is chairman.

Two several petitions of sundry inhabitants of the county of Otsego, praying for the construction of the Chenango canal, were severally read, and committed to a committee of the whole, when on the bill entitled "An act authorising the construction of the Chenango canal."

The petition of sundry inhabitants of the county of Genesee, praying for the incorporation of a bank, to be located in the village of Le Roy, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the counties of Steuben, Tioga, Yates, Ontario, Tompkins and Seneca, praying for the passage of a law to authorise the construction of a canal from the head of Seneca lake to Newtown, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the town of Cicero in the county of Onondaga, and Hastings in the county of Oswego, praying for the passage of a law to authorise the lowering of the Oneida lake, and the improvement of the navigation of the Oneida river, was read, and referred to the canal commissioners.

The petition of sundry inhabitants of the towns of Allen and Almond in the county of Allegany, praying for the passage of a law to authorise the erection of a new town from parts of said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the trustees of school district number one in the counties of Steuben and Allegany, praying for certain legislative relief as set forth in the petition, was read, and referred to the committee on colleges, academies and common schools.

Mr. Franklin, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising John R. Drake to build a dam across the Susquehannah river," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

In pursuance of previous notice, Mr. Dayton asked for and obtained leave to bring in a bill entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Van Wyck asked for and obtained leave to bring in a bill entitled "An act to amend article fifth of title second of chapter fifteenth of the first part of the Revised Statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Dyckman asked for and obtained leave to bring in a bill entitled "An act relating to the appointment of public notaries, commissioners of deeds, and masters and examiners in chancery in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Randall have leave of absence for six days, Mr. Efner for one week, and Mr. Goodman for four days.

A communication from William Dumont, one of the inspectors of pot and pearl ashes for the city and county of New-York, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The subscriber, one of the inspectors of pot and pearl ashes for the city and county of New-York, according to a late statute of this state, respecting the

inspection of pot and pearl ashes, and the duties of inspectors, respectfully reports:

That he has inspected, since 1st January 1828, to 1st January 1829, the following number of barrels of pot and pearl ashes, viz:

3,524	bbls.	1st	sort	pot ashes.
141	"	2d	"	do
29	"	3d	"	do
4	"	condemned		do
——		3,698		
1,201	bbls.	1st	sort	pearl ashes.
65	"	2d	"	do
17	"	3d	"	do
7	"	condemned		do
——		1,290		

4,988 bbls. pot and pearl ashes, inspected the year 1828; of which, 1,074 had been inspected previous to 1st January 1828, and re-inspected the last year.

The amount of fees and emoluments received for inspecting the 4,988 barrels, is $2,241.33; from which, clerk hire, labor and store rent, must be paid.

As to the improvement in the manufacture of ashes, the inspector can only say, that a mixture of salt, lime and sand, is the principal cause of an inferior quality of ashes.

The inspector can only obtain the value of the article from the price current, which has ranged in the last year from $80 to $150 per ton.

All which is respectfully submitted,

WILLIAM DUMONT.

New-York, January 22, 1829.

The bills of the following marks, consisting of from 14 to 308 lbs. of scrapings or crusted ashes, inspected by William Dumont previous to the first of May last, appear not to have been claimed, will be sold at auction according to law, by W. W. Wetmore, on the 3d March next, unless legally claimed previous to the day of sale.

1826,

June	7.	C. Morris.
"	10.	A. Davenport.
"	14.	J. B.
"	26.	I. I. Brinkerhoff.
"	"	R. L. Wiley.
"	29.	Merril & Fink.
"	"	O. Lee.
"	"	George Fisher.
"	30.	I. Smith.
"	"	B. Byington.
"	"	I. Osgood.
July	3.	I. Smith.
"	"	W. S. Ely.
"	"	O. Stone.
"	"	E. S. Sterling.
"	"	I. Beals.
"	10.	E. S. Sterling.
"	"	W. S. Ely.
"	"	Hyde & Richards.
Aug.	30.	J. S. & T. M.
"	"	B. & Beebe.
Sept.	1.	M. Rowley.
"	8.	S. F. P. & Co.
"	"	C. S. & Co.
"	15.	A. Dart.
Oct.	7.	S. F. P. & Co.
"	13.	S. H. A.
"	"	S. & E.

1827,

March	27.	S. Pratt.
"	"	S. Fuller.
"	"	W. Russel.
May	4.	I. F. P. & Co.
June	1.	S. I. Brinkerhoff.
"	"	Smith & Everets.
"	"	Cyrus Smith.
"	12.	C. Morris.
"	14.	D. Collins.
"	"	D. Baxter.
"	27.	M. & Frink.
Sept.	12.	D. L. Sayre.
Oct.	9.	H. & Bull.
"	12.	do
"	"	N. Foster.
"	26.	J. Hall.

1828,

March	14.	J. H. & S. Leonard.
April	19.	R. B. C.
"	28.	J. S.
"	"	R. S.

City and County of New-York, ss.

William Dumont, one of the inspectors of pot and pearl ashes for the city and county of New-York, being duly sworn, deposeth and saith, that to the best of his knowledge and belief, since the passage of this act, he has delivered to W. W. Wetmore, one of the auctioneers for the said city and county, an invoice or weigh-note of all unclaimed ashes, (of which the preceding is a copy,) which has been in his hands one year or more; and that he has duly accounted with the owner or agent, for all the ashes delivered to his care for inspection, as the law directs; and that he has not, by himself, or by any person in his employ, made out any invoice, weigh-note or bill of inspection, of a later date than the time such ashes were duly inspected; and that the same were emptied out of the cask or casks, and duly examined, at the date of every such invoice, weigh-note, or bill of inspection.

WILLIAM DUMONT.

Sworn, this 22d day of January,
1829, before me,
JOHN D. CAMPBELL,
Commissioner to take affidavits, &c.

A communication from Jasper S. Keeler, inspector of flour for the city and county of Albany, was read, in the words following, to wit:

Albany, February 2, 1829.

I herewith remit you the annual return of flour inspected in the city of Albany, for the year 1828.

The quantity inspected the past year, shews a decrease from 1827 of nearly 14,000 barrels. This can only be accounted for by the crops falling short, and the quality of the wheat being inferior from what it has generally been in past years, and likewise the low price which flour bore for the greater part of the season.

I am, respectfully,
JASPER S. KEELER,
Per C. J. CUYLER.

To the Hon. PETER ROBINSON,
Speaker of the House of Assembly.

Annual Return of Flour inspected in the City of Albany, for the year 1828.

1,527	bbls. extra superfine.
36,247	" superfine.
543	hf. bbls. flour.
337	bbls. fine do
796	" bad do
39,450	

Making in all, 39,450 barrels.

Fees received, $789.00.

JASPER S. KEELER, *Inspector.*

Albany, February 2, 1829.

A communication from Edward S. Fuller, inspector of lumber of the city of Troy, was read, in the words following, to wit:

The undersigned submits to your honorable body, the following parcels of lumber inspected by him in 1828, commencing on 26th April, and ending on the 30th January 1829, viz.:

32,623	feet	1st quality white pine.
92,162	"	2d do do
59,015	"	3d do do
3,393	"	4th do do
63,906	"	face measure do
79,320	"	merchantable whitewood, thin.
42,688	"	merchantable cherry.
31,216	"	merchantable basswood, thin.
3,529	"	1st quality basswood chair plank.
5,506	"	2d do do
1,722	"	1st quality whitewood chair plank.
2,331	"	2d do do
3,800	"	1st quality maple scantling.
4,600	"	2d do do
11,317	"	merchantable white pine timber.
10,343	"	merchantable hemlock timber.
978	"	2d quality chesnut timber.
2,304	"	merchantable do
1,767	cubic	feet hewn timber.

452,520 feet, total.

Received for inspection, $164.33.

EDWARD S. FULLER, *Inspector.*

Troy, January 30, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot for the purposes therein mentioned, also to amend the act entitled 'An act to authorise the supervisors of the county of Monroe to build a gaol,' passed 21st April 1828;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. W. K. Fuller, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising Thomas Richards to erect a dam in the Susquehannah river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Heermans, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning jurors and town officers in the county of Steuben;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fillmore, from the said committee, reported, that

the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning jurors residing on the New-Stockbridge tract;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Davenport, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

And then the House adjourned until eleven o'clock to-morrow morning.

TUESDAY, FEBRUARY 3, 1829.

The House met pursuant to adjournment.

The petition of George Hoag, praying remuneration for taxes alleged to have been wrongfully assessed upon his property in the towns of Schodack and Nassau in the county of Rensselaer, was read, and referred to the committee on grievances.

The petition of William Judson, Andrew Witbeck and John L. Sharp, praying for an extension of the time allowed them to maintain a ferry across the Hudson river at Coxsackie landing, was read, and referred to a select committee, consisting of Mr. Austin, Mr. Seeley and Mr. H. W. Livingston.

The petition of sundry inhabitants of the county of Essex, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of an act declaring a part of the Conewango creek in said county a public highway, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Orange, praying for the passage of an act directing a tax to be levied on dogs in said town, and the proceeds thereof to be set apart as a fund for paying damages sustained by the owners of sheep in said town, was read, and referred to the committee on agriculture.

The petition of Henry Spencer, William Hay and others, relative to the feeder of the Champlain canal, was read, and referred to the committee on canals and internal improvements.

The petition of the president, directors and company of the Bank of Columbia, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the village of Fishkill in the county of Dutchess, praying for the passage of a law to authorise the incorporation of a fire company in said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry booksellers, printers and others, citizens of the city of New-York, praying for the passage of a law to prohibit the public sale of books at night, was read, and referred to a select committee, consisting of Mr. Bogert, Mr. Myers and Mr. White.

The petition of John Lathrop and Oren Palmer, of the town of Salina in the county of Onondaga, praying for an alteration of the act authorising the sale of certain lands, passed March 10th, 1827, was read, and referred to the surveyor-general.

The remonstrance of the president, directors and company of the Rensselaer and Columbia turnpike company, against the extension of the charter of the Rensselaer bridge company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Cortland, praying for the incorporation of a company for the purpose of constructing a railway from the town of Salina in the county of Onondaga, to the navigable waters of the Susquehannah river, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry builders and mechanics of the village of Buffalo, praying for the passage of a law to give them a lien upon buildings they may erect, to enable them to recover payment on their contracts, was read, and referred to a select committee, consisting of Mr. Burt, Mr. J. Van Beuren and Mr. Mallory.

The petition of Daniel M'Inroy, praying that the canal board be directed to re-examine his claim for relief on account of services rendered by him for the state, was read, and referred to the committee on canals and internal improvements.

Mr. Savage, from the committee on grievances, to which was referred the petition of Wessel Ten Broeck and George Ten Broeck, reported:

That the committee have had the petition under their consideration; and it appears that the petitioners, in the years of 1805 or 6, were induced by the president and directors of the Cayuga turnpike company, to take and work a certain portion of the said turnpike road; that they succeeded in completing their contract, which amounted to $1200; and that there is not, nor has there been, a gate upon this road for the collection of tolls; and the petitioners say they have not received their pay for the labor expended on the said road.

The petitioners further state, that the commissioners of highways of the town of Edmeston, did, in the year 1813 or 1814, lay out a public road on the said turnpike road, and has ever since been used by the public as a public highway. For the use of this road, and the inconvenience to the petitioners being deprived of their pay for their labor for so long a time, is the reasons urged by them why the state ought in justice to pay them.

The committee are of the opinion that this is grievous on the part of the petitioners, and hard to be borne; but it would be more grievous for the state to pay them, as it would open the door for an endless number of similar applications which have no claims upon the state.

The committee are of the opinion that the petitioners should look to their employers for their pay, and not the state; and have directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Norton, from the select committee to which was referred the petition of John M. Canfield, superintendent of light-houses on Lake Ontario, reported:

That by the petition of said Canfield, it appears that the congress of the United States have made an appropriation of one thousand dollars, for the removal of certain standing wood, which obstructs the light of a light-house already erected at the mouth of Genesee river, for the benefit of the navigators of Lake Ontario; and that permission can not be obtained, inasmuch as a portion of the lands belong to minors, and other proprietors refuse their assent without an exorbitant compensation.

The committee are satisfied that the growing commerce of Lake Ontario requires the interference of the legislature, to effect the removal of the obstructions in question, in a manner not to affect the rights of the owners of the land on which the wood is growing; and have prepared a bill for that object, and have instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Norton, according to leave, brought in the said bill, entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river;" which was read the first time, and by unanimous consent was also read a second time and committed to a committee of the whole house.

Mr. Skinner, from the select committee to whom was referred so much of the message of his Excellency the Governor as relates to the election law, reported:

That the resolution directing the appointment of the committee, was not perfectly definite in relation to the duty imposed, or the precise subject referred; but as the committee understood the reference, the propriety of changing the time and manner of choosing electors of president and vice-president of the United States, was the subject intended to be submitted to them, and they have directed their enquiries to that point alone.

The committee have approached the duty assigned them, impressed with the importance of the subject, and aware that much interest would be taken in the result of their deliberations.

The quietness of the public mind at the close of the recent contest for the presidency, and at the distance of four years from another election, affords an opportunity peculiarly favorable to a free and dispassionate discussion of the question proposed, when our opinions will be uninfluenced by the bearing of the mode of appointment upon the prospects of any individual or party; our judgments unbiassed by political prejudices or personal feeling; and when no considerations, aside from the dignity, the honor and the influence of the state, can have any bearing upon the decision.

The constitution of the United States declares that "each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress." It is much to be regretted, that under this provision of the constitution, the legislatures of the several states have adopted different modes of appointment. In fourteen states the electors are chosen by general ticket, in eight by districts, and in two by the legislature. Of the whole number of electors chosen by all the states, one hundred and fifty-eight are chosen by general ticket, eighty-nine by districts, and fourteen by the legislature. Excluding the state of New York, the seven states that choose by districts elect but fifty-three electors. From this statement it appears that the state of New York is the only large state that has adopted the district system. While the states of Pennsylvania, Virginia, Ohio, North Carolina and Massachusetts choose electors on a general ticket, which gives them an undivided vote, and a controlling influence in the choice of president and vice-president of the United States, New-York alone of the larger states, unequalled in her population and number of electors, and in the influence and consideration to which she is justly entitled, in the decision of a question so interesting to the state and to the Union, has adopted a district system which divides her vote, and which can hardly fail, under any circumstances, to paralise her influence, and reduce her to a level with the smaller states.

A sincere desire has been often manifested by the state, that the constitution of the United States should be so amended as to provide a uniform mode of choosing electors throughout the Union. To this end resolutions passed both branches of the legislature in the year eighteen hundred and eighteen, and were subsequently renewed, instructing our senators and requesting our representatives in congress, to use their exertions to procure such amendment. But the efforts which have been made on the part of this state, have not been seconded by the other states. The result of past attempts affords but little

promise for future exertions, and demonstrates the propriety of promptly adopting a mode of appointment which will secure the just influence of this state in the choice of president, without reference to speculations upon this defect of the constitution, or expectations of amendment which may never be realized.

Previous to the year 1825, the electors of this state were appointed by the legislature. In that and the preceding years the mode of choice was the subject of much discussion; and although all were agreed in the end, that the choice ought to be made directly by the people, without resort to delegated authority, or to any intermediate body, yet great diversity of opinion prevailed in relation to the manner in which the people should exercise this right. It was urged on the one hand that the district system would divide the vote and destroy the influence of the state. On the other, that the general ticket proposed, was not in accordance with the spirit of our institutions; that the elector could have but little personal knowledge of the numerous candidates for whom he would be required to vote; that an intermediate body must select the candidates, where intrigue and management might prevail; and that the abiding sense of responsibility, on the part of the representative, which afforded the greatest security against the abuse of delegated authority, would be removed, by destroying that intimate connexion, which, in the plan of all our institutions, exists between the representative and his constituents. Such was the diversity of opinion, and so confident were the advocates of the different plans in the correctness of their positions, that a law was passed, to take the sense of the electors of this state upon the question, with a view to conform the decision to the will of the people. Accordingly, at the general election in 1825, three propositions were submitted to the people. A choice "by districts," "by general ticket plurality," and "by general ticket majority."

Were the committee satisfied that the result of the canvass under the law in question afforded conclusive evidence of the sense of the people, upon the propositions submitted to them, they should consider the question at rest. But it is believed, that an examination of the facts connected with the subject will show that the district system has never received the imposing sanction of a majority of the electors of this state.

In the year 1825, when the question was submitted, the election was confined to the choice of senators, members of assembly and county officers. The fever of passion and the excitement of feeling which had prevailed in relation (to what was called) the electoral law, had subsided, but little interest was taken in the question, and but few votes given.

The whole number of persons qualified to vote in this state, at the time, as appears by the census taken that year, was two hundred and ninety-six thousand one hundred and thirty-two. The number of votes given under the act in question was one hundred and thirty-seven thousand eight hundred and forty; of which number but one hundred and twenty-four thousand and sixty-six were in either of the forms prescribed by the act. Sixty-six thousand three hundred and forty, for a choice, "by districts," fifty-six thousand eight hundred and one, "by general ticket plurality," and nine hundred and forty-one "by general ticket majority."

From the above statement taken from the official returns, it appears that more than one half of the electors of this state have given no expression on the question, and less than one fourth have given their assent to the district system.

The opportunity afforded, and the effort made to obtain from the people, through the ballot boxes, an expression upon the propositions submitted to them, inclined the committee to approach the result with the utmost caution and deference; but from the view which they have taken of the facts connected with that expression, they are thoroughly persuaded it deserves very little weight in determining the policy of changing or continuing the present law.

There is much reason to believe that there has been an entire change in public opinion since this law was passed—in the language of the message, "recent events have made a very strong impression on the public mind," and the impressions of experience are the deepest and the most enduring.

The practical operation of our present system has produced consequences more alarming than were predicted by those who opposed it at the time it was adopted. In the late election for president, this state gave but four effective votes, and her influence in the decision of the controversy might have been borne down, and the will of a majority of the electors defeated by a state possessing less than one eighth of her population. The objections which have been made to a general ticket have been mentioned, and would apply with much force to the election of members of congress, or any legislative officers.

It is true that all the persons entitled to vote, could not be expected to possess much personal knowledge of the individuals who would be nominated for electors, but they are chosen for one specific object. The trust is extremely limited, and very clearly defined. They would be selected with reference to their avowed preference for a given candidate for the presidency, and their tried integrity as public men. A sense of responsibility to those by whose suffrages they were elected, the fearful denunciations that would attend the abandonment of principle, and the disappointment of public expectation would afford entire security for the faithful execution of the trust.

A law directing the choice of electors by general ticket, and by the highest number of votes, is, in the opinion of the committee, the only mode which will produce union of effort and concentration of action—which will give force and effect to the will of a majority of the people, and secure the just influence of the state in the choice of president and vice-president of the United States.

The committee feel more confidence in the conclusion to which they have come, from the fact that selected as they were from the several senate districts of the state, and conversant as they are in some measure, with the opinions of their constituents, their views entirely correspond upon this subject; and they are unanimously of opinion, that the repeal of the present law, and the adoption of a general ticket would be in accordance with the will of a great majority of the people, and is enjoined by every dictate of policy.

The committee concur in the opinion expressed by the Governor, that this election ought to be held at a time different from any other election; and they beg leave to refer the house to the reasons which are very fully given in that part of the message referred to them.

The constitution of the United States gives to congress the power to determine the time of choosing electors, and the day on which they shall give their votes. In pursuance of this provision, an act of congress of the first of March 1792, declares that electors shall be appointed in each state within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election; and that the said electors shall meet and give their votes on the said first Wednesday in December, at such place as shall be directed by the legislature thereof.

With a view to bring this election within the time limited by the act of congress, and to hold it at a time different from any other election, the committee recommend that the election be held on the third Monday of November preceding the choice of president and vice-president; and they have prepared a bill accordingly, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act prescribing the time and manner of appointing electors of president and vice-president of the United States;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

At the request of the Governor of South-Carolina, I have the honor of laying before you certain resolutions passed by the legislature of that state.

M. V. BUREN.

Albany, February 3d, 1829.

EXECUTIVE DEPARTMENT,
COLUMBIA, S. C. JAN. 19th, 1829.

SIR,

In compliance with a resolution of the general assembly of this state, I have the honor to transmit to your Excellency certain resolutions, relating to the powers of the general government, with a request that they may be laid before the legislature of your state.

Respectfully your ob't. serv't.

STEPHEN D. MILLER.

Resolutions adopted by the State of South-Carolina.

In the House of Representatives,
December 20, 1828.

1. *Resolved*, That the opinion of this legislature, on the subject of the assumed right of congress to regulate duties on imports, for the purpose of encouraging domestic industry, as heretofore expressed in the various resolutions adopted in the years 1825 and 1827, is unchanged; and after the further aggression by the passage of the tariff act of 1828, this legislature is restrained from the assertion of the sovereign rights of the state by the hope that the magnanimity and justice of the good people of the Union will effect the abandonment of a system, partial in its nature, unjust in its operation, and not within the powers delegated to congress.

2. *Resolved*, That the measures to be pursued consequent on the perseverance in this system are purely questions of expediency, and not of allegiance; and that for the purpose of ascertaining the opinion and inviting the co-operation of other states, a copy of these and the resolutions heretofore adopted by this legislature, be transmitted to the governors of the several states, with a request that they be laid before the several legislatures to determine on such ulterior measures as they may think the occasion demands.—Ordered to Senate for concurrence.

By order of the House.

R. ANDERSON, C. H. R.

In the Senate, December 20, 1828.

Resolved, That the Senate concur.

JOB JOHNSTON, C. S.

In the House of Representatives.
December 15, 1825.

1. *Resolved*, That congress does not possess the power, under the constitution, to adopt a general system of internal improvement as a national measure.

2. *Resolved*, That a right to impose and collect taxes, does not authorise congress to lay a tax for any other purposes than such as are embraced in the specific grants of power, and those necessarily implied therein.

3. *Resolved*, That congress ought not to exercise a power granted for particular objects, to effect other objects, the right to effect which has never been conceded.

4. *Resolved*, That it is an unconstitutional exercise of power, on the part of congress, to tax the citizens of one state to make roads and canals for the citizens of another state.

5. *Resolved*, That it is an unconstitutional exercise of power, on the part of congress, to lay duties to protect domestic manufactures.

Resolved, That the House do agree to the resolutions. Ordered, that they be sent to the Senate for concurrence.

By order of the House,

R. ANDERSON, C. H. R.

In the Senate, December 16, 1825.

Resolved, That this house do concur in the resolutions. Ordered, that they be returned to the House of Representatives.

By order of the Senate.

WM. D. MARTIN, C. S.

In the Senate,
December 12, 1827.

1. *Resolved*, That the constitution of the United States is a compact between the people of the different states with each other, *as separate, independent sovereignties;* and that for any violation of the letter or spirit of that compact by the congress of the United States, it is not only the right of the *people*, but of the *legislatures*, who represent them to every extent not limited, to remonstrate against violations of the fundamental compact.

2. *Resolved*, That the acts of congress, known by the name of tariff laws, the object of which is not the raising of revenue, or the regulation of foreign commerce, but the promotion of domestic manufactures, are violations of the constitution in its spirit, and ought to be repealed.

3. *Resolved*, That congress has no power to construct roads and canals in the states, for the purposes of internal improvement, with or without the assent of the states in whose limits those internal improvements are made: the authority of congress extending no farther than to pass the "*necessary* and *proper* laws" to carry into execution their enumerated powers.

4. *Resolved*, That the American Colonization Society is not an object of national interest, and that congress has no power, in any way, to patronize or direct appropriations for the benefit of this or any other society.

5. *Resolved*, That our senators in congress be instructed, and our representatives requested, to continue to oppose every increase of the tariff *with a view to protect domestic manufactures*, and all *appropriations to the purposes of internal improvements* of the United States, and all *appropriations in favor of the Colonization Society*, or the *patronage of the same*, either directly or indirectly by the general government.

Resolved, That the Senate do agree to the resolutions. Ordered, that they be sent to the House of Representatives for concurrence.

By order of the Senate.

JOB JOHNSTON, C. S.

In the House of Representatives, Dec. 19, 1827.

Resolved, That the House do concur in the resolutions. Ordered, that they be returned.

By order of the House,

R. ANDERSON, C. H. R.

Ordered, That the said communication, and the documents accompanying the same, be committed to a committee of the whole; and that the usual number of copies of the same be printed for the use of the legislature.

A communication from the acting comptroller was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
ALBANY, *Feb.* 3d, 1829.

SIR,

I have the honor herewith to transmit a report made in pursuance of a resolution of the honorable the Assembly of the 29th ult.

I am, very respectfully,
Your ob't. servant,
PHILIP PHELPS,
Acting Comptroller.

Hon. PETER ROBINSON,
Speaker of the Assembly.

The Comptroller, in obedience to the resolution of the honorable the assembly of the 29th ult., requesting him to report to that house "the several amounts of duties upon salt; the duties upon sales at auction; tax upon steam-boat passengers and upon steam-boats; the amount received from the sale of lands, and the interest upon bonds for the sale of lands, and all other sums received yearly and appropriated to the canal fund, from the year 1817, up to this time," respectfully reports:

That the whole amount derived from the several items of the Erie and Champlain canal fund, from 1817 to the 29th January, 1829, was (see statement A.) $6,487,742 10

To wit:—From salt duties,.....		$878,185 45	
" vendue "		2,042,064 46	
" steam-boat tax,.....		73,509 99	
" tolls, ...		3,473,123 83	
" rents surplus water,.....		2,147 00	
" Western Lock Navigation Com...		8,738 00	
" sales of lands,			
1st payment,...$9,490 00			
int. and principal, 483 37		9,973 37	
			$6,487,742 10

From the Oswego canal, (see statement B.)

From sales of lands, 1st payment, ...	$25,690 80	
Interest and principal,.....	20,092 21	
Tolls, ...	2,057 82	
		$47,840 83

All which is respectfully submitted.

PHILIP PHELPS, *Acting Comptroller.*

Comptroller's Office, Albany 3d Feb. 1829.

(A.) *STATEMENT of moneys received from the ERIE and CHAMPLAIN CANAL Fund, exclusive of loans, from the year* 1817, *inclusive, to January* 29*th*, 1829.

YEAR.	Salt duty.	Vendue duty.	Steam-boat passengers.	Sales of canal fund lands.		Canal toll.	Rents of surplus waters.	Western lock navigation co.
				1st Payment.	Interest and Principal on Bonds.			
1817, to 31 Dec.	2,926 28	72,065 04	16,509 93					
1818, "	48,784 27	145,939 39	18,902 70	.....	.....	.....	.....	5,060 00
1819, to 31 Nov.	44,410 69	110,944 13	14,170 65					
1820, "	67,038 67	122,977 20	3,926 71	.....	.....	.....	.....	3,678 00
1821, "	56,345 24	119,278 02	5,000 00	.....	.....	2,200 00		
1822, "	58,732 94	148,467 65	10,000 00	.....	.....	44,486 72		
1823, "	101,786 37	176,124 23	1,068 00	.....	.....	89,988 08		
1824, "	99,211 18	202,101 53	3,932 00	.....	.....	319,320 58		
1825, "	71,222 75	253,452 38	.....	9,490 00	.....	521,343 94		
1826, "	68,825 33	203,737 84	.....	.....	483 37	750,759 54		
1827, "	126,942 41	265,289 65	.....	.....	.....	847,759 14	424 00	
1828, "	111,546 36	221,687 40	.....	.....	.....	820,271 05	1,723 00	
" to 31 Dec.	20,412 96	.....	.....	.....	.....	76,994 78		
1829, to 29 Jan.								
	$878,185 45	2,042,064 46	73,509 99	9,490 00	483 37	3,473,123 83	2,147 00	8,738 00

(B.) *OSWEGO CANAL.*

1822,	.....	.....	.....	7,118 70		
1823,	.....	.....	.....	673 84	3,029 26	
1824,	.....	.....	.....	1,508 67	6,306 95	
1825,	.....	.....	.....	830 89	3,163 79	
1826,	.....	.....	.....	60 00	7,006 72	
1827,	.....	.....	.....	1,538 70	585 49	
1828,	.....	.....	.....	13,960 00	.....	2,057 82
				25,690 80	20,092 21	2,057 82

Ordered, That the said communication be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

A communication from the surveyor-general was read, in the words following, to wit:

The surveyor-general, on the petition of Ashbel Kellogg and others, of the town of Salina, referred to him by the Honorable the Assembly, respectfully reports:

That the superintendent of the Onondaga salt springs was heretofore authorised to lease to the lessees of the manufacturing lots, a certain number of acres, as an accommodation for pasturing, &c. At a vendue held at Syracuse last July, of the state's property in the reservation, it was represented, that on some of these pasture lots, there were valuable improvements, alleged to have been made under an expectation that the leases, at their expiration, would be renewed, with the renewal of those of the manufacturing lots; and the surveyor-general was requested to suspend the sales of such parts as comprehended such improvements, in order that those who made them might have an opportunity to apply to the legislature for relief. The request appearing reasonable, it was complied with, so far as it respected those small lots comprehending the improvements which were laid out for sale, and happened to be parts of the lease lots. A compliance with the request was considered proper, because it has heretofore been the policy of the legislature to secure to individuals the fruits of their labor, even in cases where it has been done without legal authority. The number of cases for which relief is solicited, does not exceed the number of the petitioners.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*

February 3, 1829.

Ordered, That the said communication be laid upon the table.

Mr. A. Smith gave notice that he would, at some future day, ask leave to bring in a bill relative to the appointment of superintendents of county poor-houses in the several counties in this state.

On motion of Mr. J. Hall,

Resolved, That the Senate be requested to rertun to the Assembly, the bill and amendments to alter the time of the annual town-meetings of the town of Pompey in the county of Onondaga.

Ordered, That Mr. Jenkins have leave of absence for eight days, and Mr. Collier for six days.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot for the purposes therein mentioned, also to amend the act entitled 'An act to authorise the supervisors of the county of Monroe to build a gaol,' passed April 21st, 1828;" and the engrossed bill entitled "An act authorising Thomas Richards to erect a dam in the Susquehannah river;" and that the said bills are severally correctly engrossed.

Thereupon,

The said engrossed bill, entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot for the purposes therein mentioned, also to amend the act entitled 'An act to authorise the supervisors of the county of Monroe to build a gaol,' passed April 21st, 1828," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising Thomas Richards to erect a dam in the Susquehannah river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act concerning jurors and town officers in the county of Steuben," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported, that the committee had gone through the said bill, and amended the same by striking out the second section thereof; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the payment of damages to real estate, in consequences of breaches in the canals of this state;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. H. W. Livingston, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to confirm a conveyance made by the administrators of Henry I. Moore to John Ridley;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Soper, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to relieve the fourth ward of the city of Albany from a certain tax;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garbutt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning the proof and acknowledgment of deeds;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Allison, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act providing for the appointment of inspectors of unslaked lime in the county of Greene;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the

report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising a loan to the Rochester high school;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

And then the House adjourned until eleven o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 4, 1829.

The House met pursuant to adjournment.

The petition of John C. Brown and Truman Adams, administrators of the estate of Jonas C. Baldwin deceased, relative to a lot of land in Lysander, which has escheated to this state, was read, and referred to a select committee, consisting of Mr. J. Hall, Mr. Mathews and Mr. Falley.

The petition of sundry inhabitants of the county of Clinton, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of Onondaga, praying for the incorporation of a bank, to be located at the village of Salina in said county, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry citizens of the city of Albany, praying for the passage of a law to authorise a diversion of the common school fund money appropriated to the Lancaster school, to the several common schools of the city, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Tioga and Tompkins, praying for the incorporation of a company for the purpose of constructing a turnpike road from Ithaca to Havana, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Oswego, praying for the appointment of commissioners to fix upon a central location for the county buildings in said county, was read, and referred to the committee on the erection and division of towns and counties.

Seven several petitions of sundry inhabitants of the counties of Wayne, Seneca, Cortland and Tompkins, and the petition of the society commonly called Shakers, of Port Bay and Sodus in the county of Wayne, praying for the repeal of the law prohibiting the practice of botanic physicians, were severally read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of the president and directors of the St. Lawrence turnpike road company, praying for the passage of a law to authorise them to abandon their road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the petitions of sundry citizens of the counties bordering on the Seneca lake, praying for the construction of a canal from Newtown in the county of Tioga, and from the Chimney Narrows on the Chemung river, to the said lake and the Erie canal, reported:

The subject embraced in the petitions before the committee, has often been before the legislature, and reports favorable to the prayer of the petitioners have ever been made until the last session, when a majority of the canal committee reported against the prayer of the petitioners.

At an early day, the route of the proposed Chemung canal, attracted attention. During Gen. Sullivan's expedition against the Indians, at a very early period of our history, he addressed a letter to Gen. Washington, on the subject of uniting the northern and southern waters, by the route now proposed. General Washington presented the subject to the consideration of congress. In 1807, Mr. Gallatin again directed the public attention to this communication, as the shortest link to connect these waters.

The Chemung canal route was one of those surveyed by Mr. Geddes, in 1825, and his report may be found in the journals of 1826, appendix F.

In 1826, Mr. Allen, chairman of the committee on canals and internal improvements, reported in favor of constructing the work, and a bill passed the Assembly for that purpose. The report will be found in the journals of that year, p. 1031.

In 1827, Mr. Granger reported in favor of the canal, and the bill passed the Assembly by a very large vote. Journal 1827, p. 247.

In 1828, a majority of the canal committee reported against the construction of this work. The minority of the committee offered a substitute, which was adopted by the house, and the bill for its construction passed, but was lost in the Senate. These reports may be found in the journal of 1828, p. 680.

The committee will not swell the journals of this house by entering into a lengthy and detailed argument, to show the utility of this work, especially since so many able reports have been made on the subject, which have received the sanction of one branch of the legislature. A few facts have been presented to the committee, which they think deserve consideration.

To make the communication required, a canal must be constructed from Seneca lake to Newtown, eighteen miles; and a navigable feeder from the Chimney Narrows, on the Chemung river, to the summit level of the canal, thirteen miles, making a navigation by canal of thirty-one miles.

Mr. Geddes in his estimate, computed the cost of this work at about $240,000, with wooden locks. An increased expenditure would have to be incurred of $52,000 to build locks on the plan proposed by Mr. Hutchinson on the Chenango canal, which would make the sum of $292,000. The committee propose to insert in the bill, the sum of $300,000, believing that sum sufficient to cover all expenses.

This canal may be constructed in three years, and the premium on the stock will more than pay the interest upon the amount expended in its construction.

The next question to which the committee directed their attention, was, whether this work, if completed, would secure to the state sufficient tolls, including additional tolls to be added to the Erie canal, to warrant its construction.

On this subject, Judge Geddes in his report, heretofore referred to, remarks, "Taking into calculation all the products of the mines, the fields, the forests and the great addition to the imports of this country, and there will no doubt remain that this will be a very profitable canal to make. No water rights to be purchased, but some to be disposed of."

In addition to the revenue which will be derived from products of our own state, which will find their way to market through our canals, the produce, minerals, &c., of the counties between the north line of Pennsylvania and the west branch of the Susquehannah, that will be diverted from the dangerous and hazardous navigation of the Susquehannah, to one of safety upon the canal, will be of no inconsiderable amount. It is reasonable to presume, that the opening of this canal would draw through it, a very large share of the trade of the adjoining counties in Pennsylvania.

The following estimates were presented to the legislature at its last session, by the friends of this canal.

Chemung Canal Estimates.

Produce from *below* the mouth of Conhocton, to be transported on the Chemung canal.	Tolls on the Chemung.	Tolls on Sen. & Erie, 225.	Summary result.
6,000 tons wheat, (203,000 bushels,)	$2,250 00	20,250 00	
270 tons pork,	101 25	911 25	
135 tons beef,	50 62½	455 62½	
377 tons whiskey,	141 37	1,272 33	
100 tons tallow, lard and butter,	37 50	337 50	
200 tons pot and pearl ashes,	75 00	675 00	
30,000 tons Tioga coal, (half present tolls,)	3,750 00	33,750 00	
2,000 tons bar and pig iron and castings, do.	375 00	3,375 00	
Estimated amount of tolls on lumber,	1,000 00	9,000 00	
Total amount of tolls on property going north,	$7,780 74½	70,026 70½	$77,807 45
20,000 tons gypsum, at ½ ct. per ton,	2,500 00		
400 tons salt,	500 00		
300 do. merchandize, 3 cts.	750 00		
2,400 tons, salt and plaster on 30 miles Erie and Seneca canal,		3,600 00	7,350 00
Total going north and south,	11,530 74½	73,626 70½	$85,157 45
Add tolls from property *above* mouth of Conhocton as ostimated by D. Cameron.			
2,160 tons wheat, 80,000 bushels,	810 00	7,290 00	
142 tons whiskey, 1,000 bbls.	53 25	479 25	
160 tons pork, 1,200 bbls.	60 00	540 00	
25 tons beef,	9 25	83 25	
100 tons flour, 1,000 bbls.	37 50	337 50	
150 tons pot and pearl ashes,	37 50	337 50	
7 million ft. boards at 1 ct. per M ft.	1,750 00	15,750 00	
Square timber, masts, spars, &c. 500,000 feet, 2 cts per 100 ft.	2,500 00	22,500 00	
Shingles, say 10,000 bunches, at 2 mills per bunch per mile,	1,000 00	9,000 00	
Staves, heading, &c.	500 00	4,500 00	67,575 00
	$18,288 24½	134,444 20½	$152,732 45

25 miles toll on Chemung canal,	$18,288	24½
225 do. on Erie and Seneca,	134,444	20½
	$152,732	45

A part of the above estimates were made, and all of them examined and approved, by the late Dugald Cameron, a member of the last house of Assembly, from the county of Steuben: A man second to no other in that section of the state, for his intelligence and his intimate acquaintance with the resources of that part of the state. He had been, for nearly thirty years previous to his death, agent for a large estate situate in the counties seeking this improvement,

and was eminently qualified to judge correctly upon this subject. The following is a copy of the estimate made by him, from which the above is condensed.

"Estimate of produce sent from that part of Steuben county, watered by the Conhocton, Canisteo, Cowanesque and Tioga branches of the Chemung river, to market by way of the Susquehannah, in the Spring of 1827.

Wheat from Conhocton,.....	bush.	48,000
do from Canisteo,.....		14,000
do from Tioga and Cowanisque,.....		12,000
do from Mud creek,.....		6,000
		80,000
Or 2,162 tons wheat,.....		2,162
1,000 barrels whiskey, 142 tons, ...		142
1,200 do pork, 160 tons, ...		160
Beef, tallow, lard, butter, cheese, of which I have no account, perhaps 20 or 30 tons, say,.....		25
Superfine flour, 1000 barrels,.....		100
Pot and pearl ashes, which with the flour last mentioned, was immediately re-shipped from Port Deposit for New-York, ...		150
Tons,.....		2,739

"Pine boards were estimated at 7 million feet; of square timber, masts and spars, staves, &c., I am not able to form an estimate; nor as to shingles, curled maple, cherry and ash, great quantities of which are annually sent to market. The country is new—give it facilities to send its produce to market, and this statement, in less than 10 years, would shew an increase of ten-fold."

Mr. Cameron also remarks,—"I believe if the Chemung canal was in full operation, that all the produce of the several branches of the Chemung river within mentioned, would take the route of the canal to market. I send much produce to market, particularly wheat to Baltimore, and I have always sustained a loss of from 10 to 20 per cent.; that is, I have lost two arks out of ten, and *I have never yet escaped losing less in any one year*, with every care necessary to such a navigation."

The minority of the canal committee of last year, remark:

"It is believed, that upon an accurate examination of the section, drained by these waters, (the Tioga, Cowanisque, the Canisteo and the Conhocton,) when the extent and fertility of their vallies is considered, and when these shall be compared with the results upon the Erie and Champlain canals, every impartial mind will admit their correctness, so far as relates to the amount to be derived from agricultural products, and from the returning cargo of merchandize, salt, gypsum, &c."

As to the article of salt, it is presumed the estimate is below, what would be annually exported. It is now sent more than 100 miles below Newtown into Pennsylvania, and would doubtless supply a very large extent of country still lower down, if a canal was opened for its conveyance from the head of the Seneca lake.

The committee believe from the information adduced before them, that on the completion of this work, instead of 30,000 tons of coal being annually transported, the probability is, that a much larger amount would annually find its way to market by the canal. Our salt works will soon require an immense quantity of this article; and the time is not very far distant, when the manufacture of salt will be very much affected, unless a cheap supply of fuel can be obtained.

This coal is said to be one of the finest specimens of bituminous coal that has yet been discovered. "The beds are located within five miles of waters now navigable during particular seasons of the year, and which may be made so to the mines. Thay are thirty miles from the termination of the navigable feeder at the Chimney Narrows; and it is represented that a company is already

incorporated in Pennsylvania, and will commence a canal from the mines to the line of that state, as soon as this state shall commence the construction of this work." That canal would terminate twelve miles from the Chimney Narrows; and a slack water navigation would be made by a company incorporated at the last session of the legislature of this state, as the committee are informed.

During the past season, the coal beds have been opened, a large quantity of coal raised, a large establishment for the manufacture of iron has been erected by the company last alluded to, and no doubt exists that business will be extensively carried on by that company, if an outlet can be afforded for their coal.

A friend of this work has directed the attention of the committee to another view of the subject as regards the probable use of coal. Upon the supposition that the steam-boats upon the North river should be driven to the necessity of using coal, as the committee believe they will be at no very distant day, then a very large amount of tolls would annually be received for coal sent to this city. The bituminous coal is the most useful in generating steam, and if it could be furnished cheaper than wood, it would ere long entirely take the place of it.—This coal, from an analysis of Dr. Mead, is proved to be of a superior quality. Ten bushels of it is equal, when burned in a furnace, to one cord of wood; it weighs about eighty pounds to the bushel; one ton of coal is equal to $2\frac{8}{10}$ cords of wood. If coal can be delivered at Albany for a less sum than $2\frac{8}{10}$ cords of wood, which, reckoning wood at $4 per cord, will be $11.20, the proprietors of boats, and other machinery driven by steam power, would be induced to purchase it.

It has been estimated that the steam-boats plying on the Hudson river and in the harbor of New-York, consume annually 108,000 cords of wood; and if the Tioga coal should become a substitute for wood, as the friends of this measure feel confident it would, soon after the canal should be opened, a market would then be secured for a quantity of coal equivalent to that quantity of wood, which at 10 bushels of coal per cord of wood, is equal to 38,571 tons of coal. The tolls upon this article alone, supposing it to pass 241 miles upon the canal, is $92,923.50.

It is urged, against the construction of this canal, that the produce of that region will find its way to Baltimore and Philadelphia, should it be made, the river opening so much sooner than the canal.

To this objection it is answered, that the farmers will send their wheat crops to market in the fall instead of the spring, as is now done on the line of the Erie canal, thus receiving returns from the products of the farm, much sooner than they otherwise would.

The citizens of that portion of our state are well acquainted with the dangers and hazards of the navigation of the Susquehannah, which amount always to an average loss of from 10 to 20 per cent., as stated by Dugald Cameron from his own shipments to Baltimore; and it cannot reasonably be supposed they will encounter all this hazard to find a market at Baltimore or Philadelphia, which is not as good as the market at New-York. But suppose a canal, as contemplated, should be constructed up the Susquehannah, what then would be the inducement to go to the south?

From Newtown to this city would be a navigation by canals of 241 miles, with 40 miles by the Seneca lake. From the same place to Port Deposit, at the head of tide, where property is transhipped for Baltimore, would be, by canals 324 miles, and 70 miles addition to reach Baltimore. From the same place to Swatara, where the Union canal intersects that of the Susquehannah, is 254 miles, and from thence to Philadelphia, by the Union and Schuylkill canals, is 120, making 374 miles.

Should the works of Pennsylvania be completed, the people at Newtown and on the waters above that place, could reach Albany by 83 miles less of canal navigation than to Baltimore, and 133 less than to Philadelphia.

The committee would refer to their general remarks at the close of their report upon the Chenango canal, as containing their views upon the policy and ability of the state to continue her splendid system of internal improvements.

In reference to the application for a canal from Bath to the Crooked lake, and from the Crooked lake to Seneca lake, the committee have not been furnished with the survey of the engineer, made pursuant to a resolution passed at the last session of the legislature.

No examination has been made as relates to that project. As soon as the committee shall be furnished with the necessary documents, their attention will be devoted to a careful examination of the subject.

The committee have instructed their chairman to ask leave to introduce a bill for the construction of the Chemung canal.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act authorising the construction of a canal from the head of Seneca lake to Newtown;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Orange county, praying for the erection of a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, and also a remonstrance against the said application, reported:

That the committee have examined the said petition and remonstrance, and heard both parties by their agents.

The petitioners state, that they are located at the extreme corners of those towns; and some have to travel from ten to twelve miles, to attend the ordinary town business: That from the first organization of the towns in the county, they have suffered this inconvenience, until the present time: That by the present location of the town lines and the public roads, some of the inhabitants have to travel three miles (a part of which distance is through an adjoining town,) to the road district on which they are assessed to labor.

The petitioners also state, that great inconvenience and difficulty exist in forming their school districts: That many of the districts are formed out of two and three towns; consequently two and three towns to make reports, and receive their money from, which frequently costs more than it is worth, and is abandoned.

The remonstrance states, that they are not aware that the inhabitants of that district of country proposed to be included in a new town, are enduring any peculiar privations, or inconveniences uncommon to their fellow-citizens generally: That the towns with which they are at present connected, are of moderate extent; and that it cannot be said that any hardship exists in the transaction of any town business, arising from immoderate distance, or the want of direct and good avenues of communication; and should the application prevail, many of the inhabitants would be injured.

The committee, upon a view of the whole subject, are of opinion that it would be a great convenience to the inhabitants comprised within the contemplated new town, and that no great inconvenience could result to the several towns from which it is proposed to be taken.

The committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted. They have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of Samuel Wilkinson and others, praying for the passage of an act authorising a reduction of the width of certain streets in the village of Buffalo, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act extending the lines of certain lots in the south village of Black-Rock;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hazeltine, from the select committee to which was referred the petition of sundry inhabitants of the village of Jamestown in the county of Chautauque, praying for leave to improve a part of the outlet of Chautauque lake for steamboat navigation, reported:

That a steam-boat of about 65 or 70 tons burthen, has been in successful operation during the past season, on said lake and outlet, and approaches within less than a mile of the village of Jamestown, which is situated on the outlet below the landing, At the landing is a bar, over which, during the dry season, there is an insufficiency of water for the boat to pass. The petitioners represent, that this obstacle may be removed, by excavating a channel in the bed of the stream, from the present landing down the stream about 54 rods. Below this the channel is flowed by a mill-dam, which affords at all times a sufficient depth of water. No improvements on this part will be necessary, except the removal of sunken timber, stones, &c. and the formation of a basin and wharf at the proposed landing.

The petitioners represent, that it is an important object to them, that their steam-boat, instead of stopping where it now does, should descend to the village; and that the requisite funds can be procured by voluntary contribution. They also propose that these improvements, when made, shall be free to all persons whatever.

The committee believing that our citizens should be encouraged in the prosecution of all laudable undertakings, and that this which is proposed by the petitioners is of that description, do recommend that the prayer of the petitioners be granted. They have therefore prepared a bill in accordance with this report, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Hazeltine, according to leave, brought in the said bill, entitled "An act authorising Jedediah E. Budlong, Alvin Plumb, Thomas W. Harvey, Daniel Hazeltine and Silas Tiffany, to improve a part of the outlet of Chautauque lake for steam-boat navigation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bradish, from the select committee to which was referred the petitions of sundry inhabitants of the counties of Jefferson, Essex, Clinton, Franklin and St. Lawrence, praying the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, reported:

That the committeee have given to the subject referred to them, the attention and examination due to it, as well from its own peculiar interest and importance, as from the great number and respectable character of the memorialists, who have now again renewed their application to the legislature in relation thereto. From that examination, it appears that on the 16th of April, 1827, an act was passed "appointing John Richards, Ezra Thurbur and Jonah Sanford, commissioners to explore and cause to be surveyed, a route for a good road from Lake Champlain, by the best and most practicable route, wih reference to the improvement of the state lands, so as to intersect the turnpike road at or near the town of Hopkinton, in the county of St. Lawrence, and requiring the said commissioners to make a report to the next legislature of such survey, accompanied with a map and profile of the route, shewing the lots and townships through which it should pass; and also to report an estimate of the expense of constructing the same, with a detailed statement of the facts upon which such estimate should be founded."

On the 7th of February, 1828, the said commissioners presented to the legislature a report of their proceedings under the act appointing them. This report, with its accompanying documents, will be found on the 483d, 4th, 5th and 6th pages of the Assembly journal of 1828. The report was accompanied

by a map, profile and estimate, made by James Frost, the surveyor employed by the said commissioners in the prosecution of this work, and who is highly distinguished for his ability, faithfulness and accuracy in his profession. By this report it appears that the said commissioners entered upon the performance of their duties, in the month of May, 1827. After the most patient and careful examination of several different routes, and a comparison of their respective advantages, they came unanimously to a decision in favor of that laid down on the map and profile above mentioned. The reasons assigned by the commissioners for their preferring this route, to all others, are, because,

1st. It passes through a greater extent of the lands of this state, and those of better quality than either of the other routes : the lands on this route being generally fit for cultivation :

2d. There is less elevation and greater facility for overcoming it :

3d. It unites, in the most direct manner, the fertile farming districts of the counties of Franklin and St. Lawrence, with the great manufacturing districts of Clinton and Essex counties :

4th. The expense of bridges on this route is not more than one-fourth of that on either of the other routes :

5th. The ground is much more favorable for the construction of a road :

6th. It passes nearly all the way through lands fit for settlement and cultivation.

Upon the subject of the expense of constructing the road in question, the commissioners were of opinion that a good road, in the form of a turnpike, might be completed on the route proposed by them, for $25,836. This estimate was based mainly upon the rates per mile, noted on a schedule contained in the surveyor's report, accompanying that of the commissioners. In this schedule are laid down, in different columns, the different qualities of the ground, and the extent of each quality ; also the estimated expense of making each mile of the road, according to the nature of the soil, and the consequent ease or difficulty of constructing the same. This estimate was also formed with reference to experiments made in similar cases, in the same section of the state.

The map and profile accompanying the report of the commissioners, and which is now suspended in this hall, gives a correct idea of the angles both vertical and horizontal of the road through its whole extent, together with a bird's eye view of the country, to the extent of ten miles in breadth, through which it passes. It also thence appears, and is so stated by Mr. Frost, the surveyor, that the first 19 miles 34 chains and 62 links of the road, from Port Kent, passes nearly the whole distance, along a public highway now in use and tolerably good. At Black Brook the road enters the forest, and the distance from that point to improved lands in Township No. 7, Macomb's purchase, is 52 miles and 94 links ; then passing mostly through cleared land, the distance of 2 miles 73 chains and 90 links, it arrives at the point of its termination, being that of its intersection with the St. Lawrence turnpike, in the town of Hopkinton, in the county of St. Lawrence, making the whole distance 74 miles, 29 chains and 46 links. Twenty miles of this distance, the road passes through lands of the state, a large proportion of which are susceptible of cultivation. The soil being generally of a sandy loam, and well adapted to all the purposes of agriculture.

The above report of the commissioners, with its accompanying documents, was referred to a select committee, to whom had been referred petitions from the inhabitants of the six northern counties of the state, praying the construction of the road in question. On the 23d of February, 1828, that select committee reported in favor of the construction of the road, and introduced a bill making an appropriation for that purpose. This bill passed in committee of the whole, but was lost upon the question of its final passage, it having been declared by the house, on an appeal from the decision of the speaker, by a vote of 33 to 32, to be a two-thirds bill.

The memorialists now again present themselves to the legislature, and renew their petition upon the subject.

In examining the merits of this application, the attention of the committee has been first directed to what seems to have been the main object contempla-

ted by the act of 1827, authorising the survey of a route for this road, viz. the effect to be thereby produced upon that great and important public interest, *the common school fund.* By the amended constitution, "the proceeds of all lands belonging to the state, except such as may be reserved or appropriated to public use, or ceded to the United States, together with the fund denominated 'the common school fund,' are to be and remain a perpetual fund; the interest of which is to be inviolably appropriated and applied to the support of common schools throughout the state," Upwards of 200,000 acres of these lands lie along the line of this road. Hitherto these lands have remained wholly unproductive; not so much from their inferior quality, as their sequestered position, and the total want of roads, which has rendered them inaccessible. With a view to induce the settlement of these lands, a law was passed in 1822, authorising the commissioners of the land-office to grant one lot of land to any person who should, within five years, clear 15 acres thereof, make an actual settlement, and erect a dwelling-house thereon: And three lots to any one who should, within 4 years, erect a grist-mill thereon, and one lot to any one who should, within 2 years, erect a saw-mill thereon: Provided the number of persons to whom lots should be so granted did not exceed in all thirty. But this law has proved ineffectual. Few have availed themselves of its provisions. It has therefore failed to accomplish the objects contemplated by the legislature in its enactment; and this valuable tract of land still remains wholly unproductive. The committee are unanimously of opinion, that the opening and constructing of the road in question, would contribute more effectually than any thing else, to promote the sale and settlement of those lands, and thereby accomplish the interesting objects which the framers of the constitution had in view in their inviolable appropriation to the fund for the support of common schools.

The committee forbear to make any observations upon the sacred character of this appropriation, or the important and interesting objects to which it is inviolably devoted. To the enlightened representatives of the people, nothing surely need be said of the inestimable value of those institutions, which bring within the reach of every child of the republic, whatever may be his condition, the means of such an education as may qualify him for the ordinary duties of life, and thereby prepare him to become a wholesome and useful citizen. In the support of these primary institutions, these sources of knowledge and of virtue to the young and rising generation, as well each individual citizen, as the state at large has a deep interest.

Other considerations of a public nature have addressed themselves with great force to the minds of the committee, and seem to them to urge the construction of the road in question.

The only present channel of communication between the northern parts of New-England, that great source of emigration, and the fertile valley of the St. Lawrence, and the country bordering on the upper lakes, is a road running along the northern boundary of the United States, and near to it. The inconveniences of this, even in time of peace, have been sufficiently manifest, by the great temptations and facilities thereby afforded for carrying on an illicit commerce with the adjoining provinces, and thereby defrauding the public revenue. But in the case of any future war in which the Canadas should be a party, the inconveniences would be much greater. This being the only channel of communication with our military defences on the northern frontier along the St. Lawrence and the lower part of lake Ontario, it would put it in the power of the enemy, by sudden incursions which it would be impossible to foresee, and extremely difficult to provide against, to effectually impede the most important military operations; defeat the most salutary and necessary measures for the public defence, and thereby leave this whole frontier open and exposed to the most cruel and vexatious ravages of the enemy. The history of the last war, and the great sacrifices and sufferings of that frontier during that period, strongly attest the truth of these remarks. The proposed road being a more direct line of communication; more inland, and of course more defensible and secure, would remedy the existing evil by removing the present danger.

The construction of this road would also contribute largely towards the accomplishment of another object of great public good. The want of a direct and easy channel of communication between that extreme northeastern section of our state and our great commercial emporium, the city of New-York, has driven the commerce of that country to seek, through the channel of the St. Lawrence, a market in a foreign province. That commerce, therefore, is not only entirely lost to our own domestic market, but is there exposed to all the caprices of foreign policy, and all the vicissitudes of an ever-changing foreign legislation. The road in question, by the new facility of communication thereby afforded would, in some degree, divert that commerce from its present uncertain foreign market, and confine it within our own limits; thereby giving to our own merchants exclusively its profits, and to the state all the benefits arising from an increased transportation upon its canals and navigable waters; and all the advantages resulting from its consequent increased wealth and capital.

There is another point of view in which the committee think the construction of this road merits great consideration. The country through which it passes is perhaps the richest mineral region, not only in our own state, but in the United States. The hitherto unexplored sources of these mineral treasures, are now in a progress of successful developement. Enterprize, intelligence and capital, to a great extent, are already embarked in these operations. The numerous iron manufacturing establishments already formed upon the Au Sable river and its tributary streams, have collected around them an enterprising and interesting population—brought into existence several new and flourishing villages, and thereby created a market for agricultural and other products to a very considerable amount. These are now furnished, principally, and at a great profit to the producers, by the inhabitants of the adjoining state of Vermont.—Construct the road in question, and the same articles will be more readily and more advantageously supplied from our own fertile valley of the St. Lawrence. Our own agriculture will be thereby encouraged, and our own infant manufactures promoted. The committee feel that they need add nothing upon the subject of the importance of encouraging, in every possible way consistent with the general interests of the state, these manufactures. The iron mines of this region seem to be inexhaustible. And if, as the committee believe and hope, our country is hereafter to look mainly to our own domestic sources for a supply of this article of first necessity and extensive consumption—and if, as they believe, the region in question is capable of contributing most abundantly to that supply, it will be clearly manifest to every one how directly and deeply interested the state will be in these results, and how greatly she will profit by a consequent increase of her revenue and augmentation of her capital.

In every point of view, therefore, in which the committee have been enabled to contemplate this subject, whether they consider its immediate connexion with the common school fund and the importance of that fund—the increased facility of defence and consequent increased security of our northern frontier—the protection of the public revenue, and the securing to our own market the entire commerce of the state—the full developement of our mineral resources—the encouragement of our agriculture and promotion of our manufactures—and finally the consequent increased revenue, and augmented wealth and capital of the state, that may result from this internal improvement, all present strong reasons in favor of this application.

As to the location of the proposed road, such is the confidence of the committee in the intelligence and fidelity of the very respectable commissioners and surveyor employed in laying out and surveying the route for the road, and such appears to have been the diligence, patience and care exercised by them in the discharge of that duty, that the committee are well persuaded that its location is, all things considered, and particularly with reference to the important object, the improvement of the public lands, the most eligible possible.

Upon the subject of the expense of constructing this road, the committee also believe that the estimate thereof, made by the commissioners, under whose direction the road was laid out and surveyed, which estimate is contained in their report made to the legislature on the 7th of February, 1828, and to which

reference has been already made, will be found to be correct. Should that expense exceed the appropriation asked for, the individual proprietors along the line of the road are willing to supply the deficiency.

Under all these considerations, and after a careful view of the whole subject, the committee are unanimously of opinion, that the prayer of the petitioners ought to be granted. They have, therefore, prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to provide for the payment of damages to real estate, in consequence of breaches in the canals of this state;" the engrossed bill entitled "An act to relieve the fourth ward of the city of Albany from a certain tax;" the engrossed bill entitled "An act to confirm a conveyance made by the administrators of Henry I. Moore, to John Ridley;" and the engrossed bill entitled "An act providing for the appointment of inspectors of unslaked lime in the county of Greene;" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to provide for the payment of damages to real estate, in consequences of breaches in the canals of this state," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to relieve the fourth ward of the city of Albany from a certain tax," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to confirm a conveyance made by the administrators of Henry I. Moore, to John Ridley," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act providing for the appointment of inspectors of unslaked lime in the county of Greene," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

On motion of Mr. Dygert,

Resolved, That the committee of the whole be discharged from the further consideration of the bill for the relief of Nathan Underwood, and that the same, together with the accompanying documents, be referred to the surveyor-general; and that he be requested to report his opinion, as to the equity of the petitioner's claims to have a remission of interest.

Ordered, That Mr. Bogert and Mr. Vanderbilt be added to the select committee to which was referred the petition of the Marine society of the city of New-York, praying for the passage of a law to restore the fund created by the tax on seamen and passengers, to its proper purpose.

Ordered, That the committee on grievances be discharged from the further consideration of the petition of Ezra Babcock and the administrators of Isaac Allen, praying legislative relief on account of the loss of a certain deed and mortgage, and that the said petition be referred to the committee on the judiciary.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition of Daniel M'Inroy, praying that the canal board be directed to re-examine his claim for relief; and that the said petition be referred to the canal board.

Ordered, That the petition of sundry inhabitants of the town of Salina in the county of Onondaga, praying compensation for improvements made upon cer-

tain pasture lots in that village belonging to the state, together with the report of the surveyor-general on the said petition, be committed to a committee of the of the whole, when on the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes."

A communication from Elias Disbrow, an inspector of lumber of the county of Rensselaer, was read, in the words following, to wit:

An Account of Lumber inspected and measured by Elias Disbrow, from January 1st, 1828, to ditto 1829.

	Inch measure.			Inch measure, total amount.
White pine lumber, 1st quality,....	37,180	feet.		
do 2d "	46,891	"		
do 3d "	105,606	"		
do 4th "	5,006	"		
	194,683	"	$ cts. m. 72 50 6	194,683
Price of inspection for timber, 2s. per thousand.				
Pine timber, white and yellow, ...	12,228	"	3 05 7	12,228
Hemlock timber, ...	28,663	"	7 16 5	28,663
Chair plank, 1st quality,.....	28,266	"		
do 2d "	2,424	"		
	30,690	"	11 50 8	30,690
Whitewood boards, 1st quality, ...	126,099	"	47 28 7	126,099
Cherry lumber, 1st quality,.....	20,276	"		
do 2d "	756	"		
	21,032	"	7 88 7	21,032
Ash plank, 1st quality,.....	8,913	"	3 34 2	8,913
Curl maple, 1st quality, ...	500	"	0 19 0	500
Maple scantling, ...	606	"	0 22 7	606
Butternut plank, ...	256	"	0 09 6	256
Amount of inspection bill, ...			$153 26 4	423,670

Face measure at 2s. per thousand, and the rest at 3s.

ELIAS DISBROW, *Inspector.*

Troy, February 2, 1829.

The annual report of the Commercial Bank was read, in the words following, to wit:

COMMERCIAL BANK,
Albany, February 3, 1829.

SIR—

Enclosed, I transmit the annual statement of the funds of this bank.

I have the honor to be, Sir,
Your most ob't. serv't.
H. BARTOW, *Cashier.*

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE of the Funds of the Commercial Bank of Albany, February 3, 1829.

DR.

Bills discounted, and other securities,.....	$417,791 27
Notes of specie paying banks on hand,.....	115,891 96
Specie,.....	37,644 44
Balances due from other banks,.....	80,691 04
Certificate of the receiver of the Franklin Bank,.....	3,533 00
Personal property,.....	1,618 06
	$657,169 77

CR.

Capital stock paid in, ...	$225,000 00
Profits on hand, ...	14,612 57
Dividends unpaid,.....	389 99
Bank notes in circulation, ...	136,165 00
Balances due to other banks,.....	103,261 83
Other deposites, ...	177,740 38
	$657,169 77

Joseph Alexander, President, and H. Bartow, Cashier, of the Commercial Bank, being sworn, depose and say, that the foregoing is a full and true account of the funds and property of the bank; that the amount of capital stock subscribed, is $300,000, of which $225,000 is paid in; and that the amount of specie above stated, (viz. $37,644 44,) is bona fide the property of the bank, and has not been borrowed or procured with a view to make this return.

JOSEPH ALEXANDER, *President.*

H. BARTOW, *Cashier.*

Sworn before me,
this 3d day of February, 1829.

P. S. Van Ingen, *Commissioner, &c.*

Ordered, That the said report be referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Ordered, That the usual number of copies of said report be printed for the use of the legislature.

The annual report of the superintendent and inspector of the Onondaga salt springs, was read, in the words following, to wit:

Salina, *January 15th*, 1829.

SIR—

The superintendent and inspector of the Onondaga Salt Springs, transmit, enclosed, their annual report: and have the honor to be,

Very respectfully,
Your humble servants.
W. KIRKPATRICK, *Superintendent.*
JOHN MAYNARD, *Inspector.*

The Hon. Peter Robinson,
Speaker of the Assembly.

The superintendent and inspector at the Onondaga salt springs, in obedience to the act regulating the manufacture of salt in the town of Salina, have the honor to submit to the legislature the following report:

The amount of salt inspected in the town of Salina in the year 1826, was 827,508 bushels:

In the year 1827, 983,410 bushels:

And in the year 1828, ending on the 30th of November, 1,160,888 bushels.

A small difference appears in the amount of the two first mentioned years, from that formerly stated, arising from the month of November, which, in our last report, was stated separately, being annexed to the year to which it belonged, and a corresponding change being made in the previous year.

The number of manufactories has been considerably increased, and their condition greatly improved, during the year.

On the first day of January, 1828, the office of engineer of the salt springs ceased by law, and the duties of that office devolved on the superintendent. During the year ending on the 31st December, 1828, there has been paid for repairs and attendance, on the public pumps at Salina and Geddes, $1,948 96; and there has been received, during the same period, from the charge of two mills a bushel on the salt made from the water furnished from those pumps, $2,020 54.

The manufactories at the village of Liverpool, not being supplied with water from the public pumps, are not subject to this charge.

In compliance with the law which requires of us a recommendation of such measures as may, in our opinion, aid the manufacture of salt, we have on former occasions had the honor to suggest the propriety of a diminution of the duty at those limits where our salt meets and comes in competition with foreign salt. We again urge the propriety of that measure, and refer to our last annual report for some views of the subject.

The act passed April 21, 1828, renewing the leases of the salt manufacturing lots, in the town of Salina, will expire on the 20th of June, 1829.

All which is respectfully submitted.

W. KIRKPATRICK, *Superintendent.*
JOHN MAYNARD, *Inspector.*

January 15th, 1829.

Ordered, That the said report be laid upon the table.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

The annual report of the trustees of Union college was read, in the words following, to wit:

The board of trustees of Union College, respectfully report to the honorable the legislature of the state of New-York:

That the present faculty consists of the following officers, viz:

Eliphalet Nott, *President.*
Robert Proudfit, *Professor of the Greek and Latin Languages.*
Joel B. Nott, " *Chemistry.*
Benjamin F. Joslin, " *Natural Philosophy and Mathematics.*
John A. Yates, " *Oriental Literature.*
Isaac W. Jackson, Thomas Reed, Chester Averil, } *Fellows.*

That seventy young gentlemen were admitted to the degree of Bachelor of Arts, at the last annual commencement. That the whole number of students for the current year, is one hundred and eighty-seven.

That the annual expense of a student in this institution, including board, tuition and books, is about one hundred and six dollars. The terms of admission, and the course of studies afterwards pursued, will appear from the printed statement accompanying this report.

The classical library for the use of students, is continued, from which indigent students receive their books gratis; and thirty-five young gentlemen have

been otherwise assisted during the last year, from the fund granted by the state for that purpose.

The thirty-five thousand dollars appropriated to the permanent support of officers; the five thousand for establishing a classical library, and the five thousand for aiding indigent youth, arising from the lotteries, heretofore granted to Union College, has been, and continues invested according to law; which investitures constitute a permanent fund, amounting to forty-five thousand dollars.

They have only to add, that during the last year, the students of this institution have generally prosecuted their studies in a satisfactory manner, and have been exemplary in their conduct.

All of which is respectfully submitted.

In behalf of the trustees.

HENRY YATES, *Clerk.*

[*For pages* 371 *to* 374 *inclusive, see* Table, (Sig. Q.)]

COURSE OF STUDIES,

Preparatory for Admission into Union College.

COURSE OF STUDIES,

Pursued after Admission into Union College.

[Q.

SENIOR CLASS.

FIRST TERM.

Intellectual Philosophy,..... *Stewart or Brown.*
Natural Philosophy, continued—Optics, &c..... *Biot.*
Elements of Criticism, ... *Kames.*

SECOND TERM.

Astronomy,..... *Biot.*
Moral Philosophy,..... *Paley.*
Kames and Lectures on Chemistry.

THIRD TERM.

Hebrew.
Hebrew.
Lectures on Elements of Criticism, Chemistry, Botany & Mineralogy.

FIRST TERM.

Differential and Integral Calculus, ... *Bouchartat.*
Natural Philosophy, continued, Optics, &c..... *Biot.*
Elements of Criticism, ... *Kames.*

SECOND TERM.

Astronomy,..... *Biot.*
Moral Philosophy,..... *Paley.*
Kames and Lectures on Chemistry.

THIRD TERM.

Anatomy or Blackstone.
Physiology or Kent.
Lectures on Elements of Criticism, Chemistry, Botany & Mineralogy.

Lectures during the Course, on

Political Economy.—Moral Philosophy and Evidences of Christianity.—Rhetoric and Oratory.—Natural Philosophy.

* *Either course at the choice of the Student.*

COURSE OF STUDIES,

Preparatory for Admission into Union College.

Riggs' Latin Grammar, and Farrand's Latin Course.

Selectæ e Vet. Eutropius and Clark's Introduction.

Corn's Nepos, Cæsar's Commentaries.

Virgil, Cicero's Select Orations, Moore's Greek Grammar, Greek Testament, Greek Introduction and Græca Minora,

Arithmetic, English Grammar and Geography.

Less attention is paid to the particular books read, than to the amount of knowledge acquired.

COURSE OF STUDIES,

Pursued after Admission into Union College.

[Sig. Q.]

FRESHMAN CLASS.

FIRST TERM.

Cicero de Officiis, de Amicit. &c.
Horace and Latin Prosody—*with Composition and Declamation.*
Herodotus and Thucydides,..... *Græca Maj.*

SECOND TERM.

Xenophon's Cyrop'a..... *Græca Maj.*
Horace, Roman Antiquities.
Livy—*with Composition and Declamation,*

THIRD TERM.

Sallust.
Xenophon's Cyrop'a. and Anabasis.
Lysias, Isocrates and Demosthenes—*with Composition and Declamation.*

CLASSICAL COURSE.*

SOPHOMORE CLASS.

FIRST TERM.

Tacitus' History.
Xenophon's Mem. and Plato,..... *Græca Maj.*
Logic.

SECOND TERM.

Algebra—1st vol. Euler.
Aristotle, Dyonisius and Longinus,..... *Græca Maj.*
Tacitus, continued.

THIRD TERM.

Jameison's Rhetoric.
Plane Geometry,..... *Legendre.*
Homer's Odyssey,..... *Græca Maj.*

JUNIOR CLASS.

FIRST TERM.

Blair's Lectures.
Plane and Spherical Trigonometry—with the Applications, *Day.*
Hesiod and Sophocles,..... *Græca Maj.*

SECOND TERM.

Cicero de Oratore.
Natural Philosophy,..... *Farrar's Mechanics.*
Conic Sections,..... *West.*

THIRD TERM.

Political Economy.
Medea, &c. ..... *Græca Maj.*
Natural Philosophy,..... *Farrar's Mechanics.*

SENIOR CLASS.

FIRST TERM.

Intellectual Philosophy,..... *Stewart or Brown.*
Natural Philosophy, continued—Optics, &c..... *Biot.*
Elements of Criticism, ... *Kames.*

SECOND TERM.

Astronomy,..... *Biot.*
Moral Philosophy,..... *Paley.*
Kames and Lectures on Chemistry.

THIRD TERM.

Hebrew.
Hebrew.
Lectures on Elements of Criticism, Chemistry, Botany & Mineralogy.

SCIENTIFIC COURSE.*

SOPHOMORE CLASS.

FIRST TERM.

Tytler's History.
Arithmetic, ... *Hasler.*
Logic.

SECOND TERM.

Algebra—1st vol. Euler.
Natural Theology,..... *Paley.*
Natural History,..... *Ware.*

THIRD TERM.

Jameison's Rhetoric.
Plane Geometry,..... *Legendre.*
French or Spanish.

JUNIOR CLASS.

FIRST TERM.

Blair's Lectures.
Solid Geometry,..... *Legendre.*
Algebra, ... *Lacroix.*

SECOND TERM.

Plane and Spherical Trigonometry, and the Applications,.. *Hasler.*
Natural Philosophy,..... *Farrar's Mechanics.*
Descriptive Geometry and the Applications,..... *Davies.*

THIRD TERM.

Analytic Geometry,..... *Biot.*
French or Spanish.
Natural Philosophy,..... *Farrar's Mechanics.*

SENIOR CLASS.

FIRST TERM.

Differential and Integral Calculus, ... *Boucharlat.*
Natural Philosophy, continued, Optics, &c..... *Biot.*
Elements of Criticism, ... *Kames.*

SECOND TERM.

Astronomy,..... *Biot.*
Moral Philosophy,..... *Paley.*
Kames and Lectures on Chemistry.

THIRD TERM.

Anatomy or Blackstone.
Physiology or Kent.
Lectures on Elements of Criticism, Chemistry, Botany & Mineralogy.

Lectures during the Course, on

Political Economy.—Moral Philosophy and Evidences of Christianity.—Rhetoric and Oratory.—Natural Philosophy.

* *Either course at the choice of the Student.*

Admission into Union College.

Character.

Candidates are required to furnish evidence of their good moral character, and if from another college, a regular dismission or letter of request.

Age.

Sixteen years of age is requisite to admission: the candidate enters, however, any class for which he is qualified.

Payments.

There are three terms of study in each year, and the expense of each is paid in advance. Students, unless from another college, entering the Sophomore class, pay $7; the Junior $9; and the Senior $12; which is the only retrospective expense incurred by entering in advance.

Guardian.

All moneys intended for the use of students, are required to be transmitted to the college register, who acts as fiscal guardian in their behalf, and transmits to each parent, at the end of every term, a detailed account.

Annual Expense.

College bills, including board in the Hall,	$91 50
Fuel and light,	8 50
Washing,	6 00
Total,	$106 00

Students boarding out of the Hall, and students remaining in vacation, incur an additional expense for board.

The expense for clothing and pocket money, will vary according to the economy of individuals. A student who remains in vacation, may, with *strict* economy, clothe himself and pay all his other bills with less than $200. A student not strictly economical, and who travels in vacation, will require from $ to $

Charity Students—their Annual Expense.

College bills,	$1 50
Board in the Hall,	36 00
Wood and light,	6 00
Washing,	6 00
Total,	$49 50

Residence.

Rooms are assigned the students in the same edifices that are occupied by the president and professors and their respective families.

Instruction.

The Freshman Class, for the most part, constitutes a department in the academy, and is taught by the principal thereof. The other three classes are divided into sections, according to attainment, or choice of studies, and the several sections are instructed by the president and professors.

Government.

The government is, for the most part, parental and preventive, and devolves on the president and resident professors. Those students who do not cheerfully submit to it, are silently dismissed. No student is allowed to visit taverns

or groceries; to be out of his room at night, or go out of town at any time, without permission; nor is any society allowed to hold their meetings at night.

Exercise.

The students are embodied and drilled, during play hours, by an experienced military officer. Gymnastic and other athletic exercises are encouraged, and ample grounds are furnished, free of expense, for those who prefer devoting their hours of recreation to agricultural pursuits.

Dress.

The dress of the students is a gray coat, with a standing collar; gray pantaloons and overcoat: all of domestic manufacture.

Commencement.

Commencement is on the 4th Wednesday in July; after which there is a vacation of eight weeks.

Vacations.

There are two other short vacations, the one sometime in December, the other in April. The seniors have no additional vacations, nor are there any holydays. It is desirable that students should either return home, or visit their friends during the vacations. And when parents cannot provide for this, the faculty should be apprized of it, that provision be made for their instruction and government at college.

Merit Roll.

An accurate and daily account of the delinquencies of every student, and also, of the degree of his attainment, in conduct, scholarship and attendance, is kept, and the summing up of these items determines the place of each upon the *merit roll;* a copy of which items is transmitted to the parent.

Examinations.

A committee is annually appointed, who examine the several classes, publicly, at the close of each term, and make a written report thereof.

Ordered, That the said report be laid upon the table.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

In compliance with the resolution of this house of yesterday, requesting the Senate to return to this house the bill to alter the time of holding the annual town-meetings in the town of Pompey in the county of Onondaga, together with the amendments of the Senate thereto, the clerk of the Senate returned the said bill to this house.

Thereupon,

The vote concurring with the Senate in their amendments to the said bill being reconsidered, and the amendments of the Senate being amended by the house, the said amendments of the Senate were concurred in.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, with the amendments thereto therewith delivered.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in addition to the act entitled 'An act concerning the revised statutes,' passed December 10th, 1828;" and the bill entitled "An act concerning the election of justices of the peace;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in addition to the act entitled 'An act concerning the revised statutes,' passed December 10th, 1828," was referred to a select committee, consisting of Mr. Bogert, Mr. Edgerton and Mr. Gross; and the bill entitled "An act concerning the election of justices of the peace," was referred to a select committee, consisting of Mr. Dana, Mr. Savage and Mr. Johnson, severally to consider and report thereon.

The petition of sundry inhabitants of the counties of Tioga, Steuben, Yates and Ontario, praying for the construction of the Chemung canal, was read, and committed to a committee of the whole, when on the bill upon that subject.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the overseers of the poor of the town of Saranac to pay over certain monies in their hands to the commissioners of common schools in said town," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The Senate returned, by their clerk, the bill entitled "An act for the relief of the heirs of John Wilkinson;" the bill entitled "An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state,' passed March 12th, 1823;" and the bill entitled "An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river."

Ordered, That the clerk deliver the said bills to the Governor.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act to incorporate the Windham and Durham turnpike road company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Gross, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of William Wisner;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dyckman, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That Mr. W. Hall have leave of absence for four days.

And then the House adjourned until eleven o'clock to-morrow morning.

THURSDAY, FEBRUARY 5, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the village of Utica, praying for the passage of an act giving to builders a lien on buildings erected by them, the better to secure to them remuneration for their labor and materials, was read, and referred to the select committee upon that subject, of which Mr. Burt is chairman.

The petition of sundry inhabitants of the town of Naples in the county of Ontario, praying for the establishment of an additional supreme court clerk's office, to be located at Canandaigua, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of Stephen W. Johnson junior, of the city of Albany, praying compensation for stationary furnished the executive of this state in the year 1827, was read, and referred to the committee on claims.

The memorial of Johannis Hornbeck and others, members of the consistories of the Dutch reformed churches in the towns of Rochester and Wawarsing in the county of Ulster, praying for the passage of a law to confirm a division of their parsonage, and to authorise them to sell a part of said parsonage, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of Mary Roberts, wife of John Roberts, of the town of Vernon in the county of Oneida, praying to be divorced from her husband, was read, and referred to the committee on grievances.

The remonstrance of sundry freeholders and inhabitants of the town of Montgomery in the county of Orange, against the erection of a new town from parts of the towns of Goshen, Walkill, Montgomery, New-Windsor and Blooming-Grove, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Delaware and Chenango, praying for the incorporation of a company for the purpose of improving the navigation of the Susquehannah and Chenango rivers, and for other purposes, was read, and referred to the select committee on that subject, of which Mr. Mann is chairman.

The petition of sundry inhabitants of the counties of Oneida, Madison, Chenango and Broome, praying for the construction of the Chenango canal, was read, and committed to a committee of the whole, when on the bill entitled "An act authorising the construction of the Chenango canal."

Mr. Savage, from the committee on grievances, to which was referred the petition of Plyn Darby, reported:

That the petitioner, in the year 1826, undertook to excavate and make a part of section number 11, on that part of the Champlain canal between Fort Edward and Fort Miller: That on the 19th day of August in that year, whilst engaged in blasting rocks in the said canal, by an accidental discharge of a blast, he was so injured in his eyes as to be totally deprived of sight, and has no prospect of ever seeing again. The petitioner states that he has a large family to support, and being deprived of his sight, is unable to provide for them; therefore asks a bounty from the state.

However much the committee may feel for the petitioner's misfortunes, and his unpleasant situation in life, they are of the opinion that it is not for the legislature to grant relief, but that the petitioner should apply to that source which the law has provided for persons in his situation: They have therefore directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Savage, from the committee on grievances, to which was referred the petition of Loyd Williams, reported:

That the committee have had the petition under consideration, and agree with the report of the canal commissioners in the fact, that the petitioner ought to have applied to the appraisers for damages, which is the proper tribunal for settling such application; and submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the president, directors and company of the Coxsackie turnpike

road, praying for an amendment to their act of incorporation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to amend the act incorporating a turnpike road from Coxsackie to Freehold in the county of Greene, passed March 2d, 1805, and the several acts amending the same;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Austin, from the select committee to which was referred the petition of William Judson, Andrew Witbeck and John L. Sharp, praying for an extension of the act authorising them to maintain a ferry across the Hudson river at Coxsackie landing, reported:

By the act passed April 12th, 1820, the petitioners were authorised to maintain and keep a ferry across Hudson's river at Coxsackie landing, for the term of twelve years. The petitioners represent that they were unfortunate in the construction of their first horse-boat, and the same was much damaged by a steam-boat: That they have been to the expense of building a substantial wharf on the west side of said river, and are desirous of rebuilding the wharf on the east side of said river, and intend to make other important improvements on said ferry; but the income of said ferry has not remunerated them for expenses already incurred: Therefore the petitioners pray that an act may be passed, continuing to them the privilege of keeping said ferry for the term of twelve years from and after the first day of September 1832.

The committee believe the prayer of the petitioners to be reasonable, and have prepared a bill for that purpose, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Austin, according to leave, brought in the said bill, entitled "An act relative to the ferry between Nutten-hook and Coxsackie landing;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising a loan to the Rochester high school;" the said report being, that the committee had gone through the said bill, and agreed to the same without amendment.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Ordered, That Mr. Morell have leave of absence for four days, Mr. Dygert for seven days, and Mr. M'Neil for seven days.

On motion of Mr. Savage,

Ordered, That the committee on grievances be discharged from the further consideration of the petition of George Hoag, and that the same be referred to the committee on the judiciary.

Mr. Dyckman gave notice that he would, on some future day, ask leave to introduce a bill, making provision for the support of the House of refuge for juvenile delinquents in the city of New-York.

The Senate returned, by their clerk, the bill entitled "An act authorising the overseers of the poor of the town of Saranac to pay over certain monies in their hands to the commissioners of common schools."

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have concurred with this house in their amendment to the amendment of the Senate to the bill entitled "An act to alter the time of holding the annual town-meetings in the town of Pompey in the county of Onondaga."

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act relative to applications to the legislature for grants of escheated lands;" in which they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Dana, Mr. Bradish and Mr. W. M'Donald, to consider and report thereon.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to amend the act entitled 'An act for the disposal of lands ceded to the people of this state.'"

"An act for the relief of the heirs of John Wilkinson."

"An act authorising Joseph Lounsbury and Rufus Lounsbury to erect a dam across the Susquehannah river."

MARTIN VAN BUREN.

Albany, *February* 5, 1829.

The annual report of Nathaniel Challes, an inspector of lumber for the city of Troy, was read, in the words following, to wit:

The undersigned submits to your honorable body the following parcels of lumber, inspected by him in 1828, commencing on the 15th April, and ending on the 2d of December, viz:

185,092	feet	1st quality pine.
280,672	"	2d " do
571,146	"	3d " do
79,255	"	4th " do
311,395	"	face, including 1st, 2d, 3d and 4th.
206,230	"	thin whitewood boards.
26,375	"	1st quality whitewood chair plank.
2,589	"	2d " do
20,086	"	1st quality plain maple scantling.
2,589	"	2d " do
4,020	"	1st quality curl maple scantling.
234,940	"	merchantable pine, hemlock and spruce, sawed for house beams, &c.
1,810	"	2d " do
26,199	"	1st quality cherry.
2,406	"	2d " do
2,664	"	1st quality basswood chair plank.
427	"	2d " do
473	"	thin basswood boards.
9,285	"	white birch.
850	"	white oak square timber.
18,596	"	1st quality white oak plank.
257	"	2d " do
983	"	hickory plank. (I am very sorry there was not more of it.)
852	cubic feet	white pine.

Amount received for inspection, ... $666 02
Expenses out, ... 22 63

NATHANIEL CHALLES, *Inspector.*

Troy, *December* 4, 1828.

Ordered, That the said report be laid upon the table.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the Windham and Durham turnpike road company,'" and find the same correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to incorporate the Windham and Durham turnpike road company,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 88
NAYS 07

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Ives	Mr. Sloughter
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. A. Smith
Mr. Bacon	Mr. Eldridge	Mr. Judd	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. H. W. Livingston	Mr. Soper
Mr. Baragar	Mr. Fowler	Mr. Mandeville	Mr. Speaker
Mr. Barnett	Mr. Franklin	Mr. Mann	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Gardiner	Mr. Mixer	Mr. Teller
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. Noble	Mr. Vanderbilt
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. Van Wyck
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Hedges	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Holdridge	Mr. Scott	Mr. Williams
Mr. Davenport	Mr. Hornbeek	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Skinner	Mr. Wyckoff 88

Those who voted in the negative are—

Mr. Dickson	Mr. Efner	Mr. Hascall	Mr. Sheppard
Mr. Edgerton	Mr. Fitch	Mr. Hubbard	7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act for the relief of William Wisner;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dyckman, from the said committee, reported, that the committee had disagreed to the first and only enacting clause of the said bill; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Mr. Dana made a motion that the house should agree to lay the report of the committee of the whole upon the table.

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Dana, and it was determined in the affirmative.

{AYES 59
NAYS 47}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Dean	Mr. Hedges	Mr. Savage
Mr. Bailey	Mr. Dickson	Mr. Heermans	Mr. Skinner
Mr. C. Baker	Mr. Dyckman	Mr. Holdridge	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Hubbell	Mr. L. Smith
Mr. Bogert	Mr. Fitch	Mr. Ives	Mr. T. L. Smith
Mr. Bostwick	Mr. Fleming	Mr. Johnson	Mr. Soper
Mr. Boynton	Mr. Fowler	Mr. Judd	Mr. Speaker
Mr. Bradish	Mr. Franklin	Mr. Keith	Mr. Starr
Mr. Brown	Mr. W. K. Fuller	Mr. Lindsley	Mr. Teller
Mr. Burt	Mr. Garnsey	Mr. C. L. Livingston	Mr. Tower
Mr. Cargill	Mr. Gosman	Mr. Mallory	Mr. Vanderbilt
Mr. Carley	Mr. Graves	Mr. J. M'Donald	Mr. Van Wyck
Mr. Chandler	Mr. J. Hall	Mr. W. M'Donald	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Norton	Mr. Willey
Mr. Dana	Mr. Hazeltine	Mr. Paige	59

Those who voted in the negative are—

Mr. Armstrong	Mr. Edgerton	Mr. Mandeville	Mr. Spier
Mr. Arnold	Mr. Efner	Mr. Mathews	Mr. Stanton
Mr. Austin	Mr. Eldridge	Mr. M'Crea	Mr. Tabor
Mr. Baragar	Mr. Falley	Mr. Mixer	Mr. J. Van Beuren
Mr. Barnet	Mr. P. C. Fuller	Mr. Myers	Mr. P. Van Beuren
Mr. Brinkerhoff	Mr. Garbutt	Mr. Noble	Mr. Waring
Mr. Carrier	Mr. Gardner	Mr. Redfield	Mr. Waugh
Mr. Case	Mr. Graham	Mr. Sanford	Mr. White
Mr. Davenport	Mr. Hascall	Mr. Scott	Mr. Williams
Mr. Dayton	Mr. Hornbeek	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Sheppard	Mr. Wyckoff
Mr. Dygert	Mr. H. W. Livingston	Mr. A. Smith	47

The house then resolved itself into a committee of the whole, on the resolutions reported by the committee on privileges and elections, on the petition of Harvey Granger, for permission to take his seat as a member of this house from the county of Saratoga, as entered on the journal of the 30th day of January last; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That the usual number of copies of the amendment offered by Mr. Starr while in committee of the whole on the said resolutions, be printed for the use of the legislature.

And then the house adjourned until eleven o'clock to-morrow morning.

FRIDAY, FEBRUARY 6, 1829.

The House met pursuant to adjournment.

The petition of sundry masters and owners of vessels navigating the Hudson river, praying an amendment of the act requiring vessels at anchor in the Hudson to carry a light during the night, was read, and referred to a select committee, consisting of Mr. Starr, Mr. J. Van Beuren and Mr. Fowler.

Sundry affidavits and documents relating to the petition of Andrew P. Tillman, were read, and referred to the canal commissioners.

The petition of master builders and others of the city of Troy, praying for the passage of an act giving them a lien on buildings, the better to secure a remuneration for their labor and materials in erecting buildings, was read, and referred to the select committee upon that subject, of which Mr. Burt is chairman.

The petition of Jonathan Lapham and others, inspectors of elections of the town of Greenfield in the county of Saratoga, praying for the passage of a law to grant a commission, for the purpose of obtaining testimony in relation to frauds alleged to have been committed in that town at the late annual election, was read, and, with the accompanying affidavits, committed to a committee of the whole, when on the resolutions reported by the committee on privileges and elections, on that subject.

The petition of the Neptune insurance company of the city of New-York, praying for the passage of a law to authorise said company to augment its capital stock to the amount of five hundred thousand dollars, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Henry Becker, of the county of Onondaga, praying for compensation for services alleged to have been rendered during the revolutionary war, was read, and referred to the committee on claims.

The petition of sundry grocers and tavern-keepers of the city of New-York, praying for the passage of a law to compel venders of beer and cider to have their casks guaged, was read, and referred to the committee on trade and manufactures.

Two several petitions of sundry inhabitants of the counties of Tioga, Steuben, Yates, Ontario, Tompkins and Seneca, praying for the construction of a canal from the head of the Seneca lake to Newtown, was read, and referred to the committee of the whole, when on the bill upon that subject.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Fulton Bank of the city of New-York, praying an alteration of their charter, so far as to allow them to change the location of their banking house, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the president, directors and company of the Fulton Bank of the city of New-York;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Norton, from the select committee to which was referred the petition of Matthew Brown jun., for relief, reported:

That Francis Brown, now deceased, was, in 1814, associated with Hamlet Scrantum, as trustee of school district No. 2, in the village of Rochester, embracing parts of the towns of Gates and Brighton, which towns were then situated in different counties. That Nathaniel Rochester and others, gave to said school district, a lot for a school-house site, situate in the town of Gates; which lot is now estimated to be worth $3,000, exclusive of buildings. That said trustees proceeded to collect a tax imposed upon the freeholders of said district, for the building of a school-house, among which freeholders were Enos

Stone, Alva Stone and Moses Hall, all residing in the town of Brighton; who, subsequently to the collection of said tax, prosecuted said trustees, in the supreme court, for trespass, in collecting said tax, on the ground, as this committee have reason to believe, that the plaintiffs did not reside in the county in which said school-house was located. It appears that there was an ambiguity in the law, and that said trustees were advised by counsel that an action for trespass could not be sustained, and therefore they defended said suits; but before they were brought to issue, were satisfied that their counsel was mistaken, and they therefore settled the suits by paying plaintiff's costs, amounting in all, which was paid by said Francis Brown, to $105.51, after deducting $60 paid him by voluntary subscription. It does not appear that said trustees were guilty of any negligence in the discharge of their duties, and therefore it appears to the committee, that it is equitable that said trustees should be paid the amount of their liabilities, thus incurred, with the interest from the time paid. The said Hamlet Scrantum having been paid by means of the provision of an act passed by the legislature in 1823, this committee have nothing to do with his case. The petitioner has further asked for provision for the repayment of a tax of $101, levied upon his property for the building of the school-house on said lot, on the ground that the property taxed was subsequently, viz. in 1818, set off into a separate district, without having any part of said tax refunded to him, or sharing in any manner, in the benefit of the gift of the lot aforesaid, which had greatly increased in value. This part of the prayer of the petitioner the committee are unanimous in rejecting, inasmuch as the petitioner enjoyed the benefits of the building for four years, and there being no provision in the school act for relief after such enjoyment. The committee therefore ask leave to introduce a bill to provide for the repayment of the costs of the aforesaid suits only, to the petitioner, Matthew Brown jun., who is satisfactorily proven to be the legal representative of Francis Brown, deceased.

Ordered, That leave be given to bring in such bill.

Mr. Norton according to leave, brought in the said bill, entitled "An act for the relief of Matthew Brown junior;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to applications to the legislature for grants of escheated lands," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

The annual report of Ichabod Rogers, an inspector of beef and pork of the city of Hudson, was read, in the words following, to wit:

To the Honorable the Speaker of the House of Assembly of the State of New-York:

SIR,

I annex a statement of the quantity and kind of provisions inspected by me during the year ending on the first day of January instant, pursuant to the provisions of the 185th section of the act, chapter 17th, "Of the regulation of trade in certain cases."

191	bbls.	mess pork, ...	at $12 00	....	$2,292 00
246	"	prime do	9 50	....	2,337 00
20	"	thin mess do	11 00	....	220 00
84	"	mess beef, ...	8 50	....	714 00
211	"	prime do	6 25	....	1,318 75
					$6,881 75

Fees for inspecting 752 barrels of provisions, at 25 cts pr bbl. is.... $189 00
Charges for flagging, pegging, nailing, salting and pickling same,.... 60 00

Nett balance,..... $129 00

ICHABOD ROGERS.

Hudson, January 22, 1829.

Ordered, That the said report be laid upon the table.

The annual report of Azariah C. Flagg, secretary of state, as superintendent of common schools, was read, in the words following, to wit:

STATE OF NEW-YORK—SECRETARY'S OFFICE.
Albany, February 6, 1829.

SIR,

Herewith is transmitted the annual report of the superintendent of common schools.

I have the honor to be, with much respect,
Your obedient servant,
A. C. FLAGG.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK,
SECRETARY'S OFFICE. } *Albany, February* 5, 1829.

The secretary of state respectfully submits to the legislature, the annual report required of him, as superintendent of common schools.

The revised statute relating to common schools, makes it the duty of the superintendent to prepare and submit to the legislature an annual report, containing,

"1. A statement of the condition of the common schools of the state:

"2. Estimates, and accounts of expenditures, of the school monies.:

"3. Plans for the improvement and management of the common school fund, and for the better organization of the common schools: And,

"4. All such matters relating to his office, and to the common schools, as he shall deem expedient to communicate."

I. *As to the condition of the common schools:*

There are 55 organized counties, and 757 towns and wards in the state; from all of which the reports in relation to common schools have been received.

The papers marked A. and B. are abstracts of the reports from the several towns and counties.

From these abstracts, it will be seen that there are in the towns which have made reports, 8,609 school districts, and consequently the like number of schools organized; and that returns have been received from 8,164 of those districts.

It appears also, that 311 new school districts have been formed during the year 1828; and that the number of districts which have made returns, exceeds that of the preceding year by 358.

That there are in the districts from which reports have been received, 449,-113 children between the ages of 5 and 15; and that in the common schools of the same districts, 468,205 scholars have been taught during the year 1828—the general average of instruction having been about 8 months.

The number of scholars instructed in the common schools, exceeds by 11,-775, the whole number of children between the ages of 5 and 15. This estimate does not include the scholars instructed in the cities of New-York and Albany, where the children between 5 and 15 are not reported.

The returns show an increase of 29,897 of the children between 5 and 15; and the number of children taught in the common schools of the state has increased 26,349, since the last annual report.

Under the present school system, the first returns were made in 1816. There were reported in that year 2,755 school districts, in which 140,106 children were instructed. The increase of school districts in 13 years has been 5,854; and the increase of the number of scholars instructed in the same period, has been 328,099.

The paper marked C. exhibits a comparative view of the returns from 1816 to the present time.

II. *Estimates and expenditures of the school monies.*

During the year 1828, two hundred and thirty-two thousand, three hundred and forty-three dollars and twenty-one cents, have been paid to the several school districts which have made reports. Of this sum, $100,000 were paid from the state treasury; $119,209 30 were raised by a tax upon the several towns in the state, and $13,133 91 were derived from a local fund, possessed by certain towns. The towns have raised by a voluntary tax, $19,209 30 more than were required to entitle them to the public monies.

The amount distributed among the several district schools, exceeds that of the preceding year, $9,347 44.

The productive capital of the common school fund has been increased, since the last annual report, $61,854 34, from the following sources, viz:

1. By the premium on the sale of $200,000 of Delaware and Hudson canal stock, amounting to $15,395 25.

2. In pursuance of the provisions of "An act in relation to public lands," passed April 21, 1828, sales have been made of escheated lots, in the military tract, during the past season, to the amount of $13,233 06.

3. Sales of other lands belonging to the school fund, have been made during the year, amounting to $33,226 04.

The productive capital of the common school fund now amounts to $1,684,-628 80.

The revenue actually received into the treasury, on account of the common school fund for the past year, has been $89,034 96; leaving a deficit in the amount annually distributed, of $10,965 04, to be supplied from the general funds of the state. The revenue of the next year is estimated by the Comptroller, at $105,200. (See statement D.)

In addition to this fund, the constitution provides that "the proceeds of all lands belonging to this state, which shall be hereafter sold or disposed of, shall belong to the fund for the support of common schools." The lands embraced in this provision, are computed by the Surveyor-General, at 869,178 acres; and although much of this land is rough, and at present inaccessible, the receipts from this source must in a few years, make the total school fund at least two millions of dollars.

In several of the counties there is a local fund for the use of schools. This fund is derived from reservations made by the state for the use of schools, in granting certain tracts of land. The paper marked E. is an exhibit of the reserved lots, and of the portions which have become productive. Seventy-four towns are reported as having participated in this local fund, the total revenue of which for the last year, has been $13,133 91.

III. *The management of the common school fund, &c.*

The common school fund is embraced in the general system for managing the revenues of the state, and the care of the lands appropriated to this fund is vested in the commissioners of the land-office. By an act passed April 18, 1826, provision is made for the re-investment of the capital of the school fund, whenever the same comes into the treasury, in any of the stocks of this state; and the commissioners of the canal fund are required to issue stock for the same "on the most advantageous terms that stock may be issued by them to any person or body corporate, taking any part of the said loans."

That portion of the capital of the common school fund, which had been paid into the treasury as stated in the report of the comptroller in 1828, has been vested in the stock issued to the Delaware and Hudson canal company, at a premium of $7,766 63, upon $100,000 of 5 per cent. stock. The premium in this case goes into the school fund, as provided by the act under which the stock was issued. There is now in the treasury, $70,446 24, being capital paid in, and which is to be invested.

By the act above referred to, it is made the duty of the comptroller to invest in the stocks of the state, the capital of the common school fund, which may hereafter be paid into the treasury; and the commissioners of the canal fund, in making loans, are to issue stock for the same on terms as advantageous as to any person taking any part of such loans. The operations of trade, and the convenience of these stocks for making remittances to foreign countries, often induce individuals to pay a premium beyond that which could be considered judicious in making an investment for a permanent fund. It is respectfully recommended, that whenever loans are to be made by the commissioners of the canal fund, that they be authorised to issue 5 per cent. stock at par, for any amount of the capital of the common school fund which may be in the treasury; and that provision be made to vest the capital paid into the treasury, in the stocks of the state, whenever it can be done at the par value thereof.

The canal stock belonging to the school fund bears an interest of 5 per cent.: the loans of 1792 and 1786, are at 7 per cent.; and the loan of 1808 at 6 per cent. The dividend on that portion of the fund which consists of bank stock, has been 6 per cent.

IV. *The organization of the common schools.*

The character and usefulness of the common schools mainly depend upon the qualifications of teachers. In this particular there is much room for improvement. The attention of the legislature was particularly directed to this point in the annual report of the superintendent in 1827, and to which he now begs leave to refer.

There are now required more than 8,600 teachers to supply the district schools of the state. To meet this demand, reliance must be placed, in a considerable degree, upon the higher seminaries of learning in the state; and it is gratifying to observe by the last annual report of the Regents of the University, that the importance of making the academies in some measure nurseries of teachers for the common schools, has received the favorable attention of that body. There are now about 50 academies interspersed in different counties in the state, at which more than 3,000 scholars are instructed.

The following extract from the last annual report of the Regents, has an important bearing upon the interests of the common schools, and gives assurance of the co-operation of the academies in elevating the character of the common schools by multiplying the number of qualified teachers.

"The academies have become, in the opinion of the Regents, what it has been always desirable they should be, fit seminaries for imparting instruction in the higher branches of English education, and especially for qualifying teachers of common schools, as well as for preparing students in classical studies, preliminary to a collegiate course. For this elevation and degree of usefulness to which our academies have thus happily attained, they are chiefly indebted to the munificence of the legislature; first, in the original establishment of the literature fund, for the special encouragement of these institutions; and next, in the gradual increase of that fund from time to time, until by the extraordinary and most liberal endowment of $150,000, made by the act of April last, the fund has become of such magnitude as to enable the Regents to distribute to every academy entitled to participate in it, a dividend sufficient, with the aid of ordinary tuition money and other revenues, to secure the services of the most able teachers, and thereby to enable the several institutions to fulfil all the beneficial ends for which they were established.

"The legislature having, by the act before referred to, declared it to be one of their primary objects in the great increase made by them of the literature fund, 'to promote the education of teachers,' the Regents, equally with the legislature, being impressed with a sense of the paramount importance of this great object, will always cheerfully co-operate in promoting its speedy accomplishment."

But all the advantages anticipated from training persons to become teachers will be lost, unless the inhabitants of the districts are willing to make such compensation as will secure the services of persons thus qualified. The mise-

rable economy which not unfrequently prevails, of employing cheap teachers, without reference to their fitness, has a tendency to depress, rather than to elevate the standard of education in our common schools.

It is necessary to impress upon the minds of the inhabitants of the districts, the necessity and utility of giving a higher character to education in the common schools, before any effective improvement can be made.

Those who object to the employment of able teachers on account of a trifling addition in the expense, might be supposed to be destitute of the means of sending their children to schools of a higher grade: they therefore have the strongest interest so to improve the district schools, as to ensure to their children as good an education as can be acquired by those who are placed in the best schools by their more wealthy parents. To those whose wealth gives them access to the academies and colleges, the state of the common schools cannot be so essential; but to the great mass of our population, whose means of instruction are limited to the common schools, it is all important that those schools should be furnished with able instructors, and afford the means of acquiring all the substantial branches of an useful education.

The inspectors of the several towns can exercise an important influence in improving the character and condition of the common schools. The statute makes it their duty to visit each school at least once a year. The schools ought to be visited once at least in each quarter, which has been recommended by the superintendent in the appendix to the school act. In the forms accompanying the revised statute, trustees are required to state in their annual reports, whether the schools have been inspected or not. The first returns, although very imperfect, show conclusively that inspectors of schools are, to a very great extent, remiss in this part of their duty. They find some apology for this neglect, in the uncertainty, by the present regulations, of any compensation for their services; but provision is made in the revised laws, after 1830, for paying the inspectors one dollar per day for their services, and after that period it will not be unreasonable to insist upon a punctual discharge of this very important duty.

The forms for school returns which were published with the revised statute, also provide for reporting the amount paid in the several districts for teachers' wages, over and above the school monies apportioned to the districts. It could not have been expected that full returns would be made the first year, as many districts were not in possession of the new law in time to complete the reports. The returns which have been received, are from various towns in 51 counties, and the sum thus ascertained, compared with the amount of public money paid to the same districts, affords a very fair test for ascertaining the proportion paid by the inhabitants of the districts for teachers' wages. Taking these returns as a test, and it appears that $336,643 have been paid for teachers' wages, besides the $232,343 of public money apportioned to the districts the last year; making a total amount paid annually for tuition in the common school districts of the state, of $568,986. The paper marked F. contains an abstract of these returns.

The paper marked G. shows the gain and loss in the several counties, of the number of children taught, and also of the number of children between 5 and 15, compared with the returns of last year. In some instances, the trustees made returns of the children between 5 and 16, which makes the proportional increase appear more unfavorable to the number instructed, than it really is.

The 23d annual report of the public school society in the city of New-York, gives a gratifying account of the usefulness and excellent character of the schools under the charge of that society. The number of schools, and the facilities for imparting common school instruction, are, however, most clearly inadequate to the wants of the city. It was estimated three or four years since, by those who possessed the best means of judging, that there were then seven thousand children between the ages of 5 and 15, who were deprived of school instruction altogether. The trustees of the public school society have recommended that the means of extending the benefits of their school system should be furnished by a general tax upon the city. In the country towns, school-

houses are erected and furnished with necessary fuel and appendages, by a direct tax upon the property of the district; and this principle might with equal justice and propriety be extended to the cities. In the state at large, the policy of the law is, to apply the school monies exclusively for teachers' wages, and to tax the inhabitants for all other necessary expenditures connected with the schools. In New-York, about $18,000 have been paid to the public school society for the last year, and the whole amount of teachers' wages paid by the trustees, is about $10,500. Thus it is probable, that 7 or 8,000 dollars of the school monies are annually applied to the erection of school-houses, and furnishing them with necessary appendages, at a time when there may be from 7 to 10,000 children in the city who are without school accommodations. It appears by the report of the trustees, that "the purchase of lots and erection of additional school-houses, occasions an annual increase of the permanent debt incurred by the society, which debt now amounts to $60,000, secured by mortgages on its valuable premises." School-houses, instead of being mortgaged to individuals or corporations, ought, at least for the future, to be erected by a direct assessment, and perpetually set apart for school purposes, and secured against casualties. These remarks apply to the policy of the law, and in no respect to the management of the trustees of the public school society, whose zeal and devotion to the interests of education, are deserving of all praise.

As a measure preparatory to extending the means of common school instruction in the city of New-York, it is respectfully recommended that provision be made by law for enumerating the number of children taught in all the schools in the city, as well as the number of children between 5 and 16. This might be done at a trifling expense during the next season, and would afford the necessary information to enable the legislature to act understandingly upon the subject.

Returns have been received of the condition of the common schools, from the commissioners of every town and city in the state. In former years, it was not unusual to have 15 or 20 towns delinquent. It is gratifying to notice this evidence of increased attention and punctuality on the part of those who are charged with the execution of the statute: And when it is considered that there are at least 46,000 officers of common schools in the towns and districts, the fidelity with which the public money is applied and accounted for, and the faithfulness with which the system is carried into effect, are creditable to the character of our population. Much credit is also due to the county clerks, generally, for the accuracy, neatness, and punctuality with which their returns are made.

All which is respectfully submitted,

A. C. FLAGG,
Superintendent of Common Schools.

[*For the Documents accompanying this Report, see* Appendix E.]

Ordered, That the said report be referred to the committee on colleges, academies and common schools.

Ordered, That double the usual number of copies of the same be printed in a pamphlet form, for the use of the legislature.

A communication from Robert R. Henry, an inspector of pot and pearl ashes for the city and county of New-York, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

The report of Robert R. Henry, one of the inspectors of pot and pearl ashes for the city and county of New-York, under the 185th section of the general provisions of the revised statutes, chapter 17, article 12, passed 3d December 1827, respectfully sheweth:

That between the 1st January 1828, to the 1st January 1829, he inspected according to law, the following quantities of pot and pearl ashes, and the scrapings or crustings of ashes, viz:

			Cwt.	qr.	lb.			
1108 casks	1st pot ashes,.....		4995	1	0	nett.		
18 "	2d do		74	0	4			
2 "	3d do		8	3	9			
598 "	1st pearl ashes,....		2069	3	1			
1 "	2d do		3	0	12			
1727 casks	pot and pearl ashes,		7150	3	26	nett,	at 11 cts pr C.	Fees. $786 60
39 "	scrapings, ...		147	2	3		$12\frac{1}{2}$	18 46
1766 casks	in all,.....		7298	2	1	nett.	Gross fees,	$805 06

Which ashes were inspected in the months of January, February, March and April last; and the following estimate will shew pretty nearly the then real average value, viz:

		Cwt.	qr.	lb.		
1128 casks	pot ashes,.....	5078	0	13	at 42s.	$26,660 12
599 "	pearl ashes, ...	2072	3	13	at 43s.	11,141 61
39 "	scrapings,.....	147	2	3	at 26s.	479 47
1766 casks	ashes,.....	7298	2	1	Average value,	$38,281 20

All which is respectfully submitted, by
R. R. HENRY, *Inspector of Pot and Pearl Ashes.*

New-York, January 24, 1829.

Ordered, That the said communication be referred to a select committee, consisting of Mr. Johnson, Mr. Edgerton and Mr. Dayton.

On motion of Mr. Johnson,

Resolved, That the acting comptroller be requested to report to this house, a statement of the amount of monies paid towards the Champlain feeder, and the locks upon the same, and copies of all contracts relating to the construction of the said work, that may be in the comptroller's office.

On motion of Mr. White,

Resolved, That the comptroller report to this house a detailed statement of all loans which have been made from the school fund during the preceding six years, the security for the repayment of which has failed in part or in whole, or is in his opinion doubtful or insufficient.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising a loan to the Rochester high school," and find the same correctly engrossed.

Thereupon,

The said bill was read the third time.

Ordered, That the same be recommitted to a committee of the whole house.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the overseers of the poor of the town of Saranac to pay over certain monies in their hands to the commissioners of common schools in said town."

"An act to alter the time of holding the annual town meetings in the town of Pompey in the county of Onondaga."

MARTIN VAN BUREN.

Albany, February 5, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs and legal representatives of David Smith deceased;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Armstrong, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until eleven o'clock to-morrow morning.

SATURDAY, FEBRUARY 7, 1829.

The House met pursuant to adjournment.

The petition of Ezra Goodell and others, occupants of subdivision number 6 on the mine reservation in the county of Cayuga, praying for the passage of an act authorising them to purchase the same from the people of this state, was read, and referred to the committee on public lands.

The petition of the president, directors and company of the Watervliet turnpike road company, praying for the passage of an act authorising them to abandon a portion of their road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Washington, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Three several petitions of sundry inhabitants of the county of Cortland, praying for the incorporation of a company for the purpose of constructing a railway from the town of Salina to the navigable waters of the Susquehannah river, were severally read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry distillers of the county of Onondaga, praying for a certain alteration in the law relative to the inspection of domestic spirits, was read, and referred to the committee on trade and manufactures.

The memorial of Smith Thompson, the president, and Charles P. M'Ilvaine, corresponding secretary of the American seamen's friend society, praying that the fund created by the exaction of what is termed "state hospital money," may be appropriated for those purposes for which it was originally intended, was read, and referred to the select committee on that subject, of which Mr. Dyckman is chairman.

Mr. Johnson, from the committee on canals and internal improvements, on the petition of Powell Carpenter and others, praying for the incorporation of a company to construct a canal from the village of Scottsville to Genesee river, with a capital of $15,000, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act to incorporate the Scottsville canal company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Myers, from the committee to which was referred so much of the Governor's message as relates to auctions and the auction system, reported:

That they have given the subject a full, and, as they believe, an impartial examination, regarding both the revenue derived to the state from that branch

of trade, and its useful application, and also the interest of that class of merchants and traders who complain that their business is affected by auction sales, and also against what they consider a mercantile monopoly.

It appears to be the wish of the legislature to grant all possible relief to the commercial interests of the state, as also to preserve the large revenue which is derived from public sales; to be deprived of which, would render it necessary to devise other means of making up the deficit, by some other indirect or direct system of taxation on the people. And in order to place the case fairly before the house, it may be necessary to make some remaks on the mercantile transactions of this as well as of other countries, which are transacted by numerous grades of merchants, from the importers of foreign goods, down to the retailers who supply the immediate wants of the consumers: The regular importing wholesale merchant, the jobbers, auctioneers, and agents of foreign and domestic manufacturers, the speculators and retailers, all of whom have rights, and claim the protection of the state. And the committee are of opinion that each class contributes their proportion of taxes.

The regular importers, jobbers, speculators and auctioneers, are assessed in common with other citizens, on their real and personal estate and public stocks, and thereby bear a due proportion of the public burthens. But the foreign agents of manufacturing and mercantile establishments in Europe, are exempt from the above taxes. Most of them are single men, and aliens, who resort to this country for the declared and express purposes of collecting or securing debts due their respective establishments, and for the purpose of vending goods which are sent to them on consignment. Most of them are in the habit of living at boarding-houses, neither hiring houses, stores, or employing clerks, as they generally dispose of their goods at public sales, which enables them to make speedy remittances. On the arrival of their goods, their general practice is, to hand over their invoices and endorsed bills of lading to their auctioneer, leaving it to him to enter their goods at the custom-house and give bonds for the duties. Auctioneers are in the habit of making advances on goods so placed under their control, to an amount equal to two-thirds of their value, and to pay the balance on sales as soon as they are made out, which enables the agent to make an immediate remittance to the shippers.

Merchandize so imported, are advertised to be sold at public auction on a certain day, to the highest bidder, either by the package or in smaller parcels. If by the package, catalogues are made out, and the goods are exposed to view at the auction stores, at least one day previous to the sale, by which means purchasers have an opportunity of examining the same, as respects pattern, fabric, colors, length and breadth; and if sold in less parcels than packages, the goods are exposed upon the shelves ot the auction stores.

Agents, and other non-resident consignees, are relieved from all expenses attending sales, excepting the charges made by the auctioneers, and hence arises a serious objection, brought by a class of merchants known as jobbers, against the whole auction system. But the committee beg leave to submit, whether they are not subject to at least as heavy a taxation in another way.

We will suppose an agent receives on consignment, or imports on his own account, $50,000 worth of merchandize, in the course of a year, and the same are taken from the ship to the auction, and there disposed of to the highest bidder, by the package, at the lowest rate of duty, which, if imported from ports beyond the Cape of Good Hope, at one per cent. on the amount of sales, amounts to a duty of $500; and if the same amount is imported from Europe or the West Indies, and sold in like manner, the duties being one and a half per cent. on such sales, amounts to $750; or if consisting of wines, or ardent spirits of any description, the duties being two per cent., amounts to $1,000: And thus, according to the amount imported and sold, whether more or less, in the same ratio, which renders it probable that agents and consignees, who neither hire houses, stores or clerks, contribute as largely to the public coffers as the generality of our resident merchants or jobbers; the latter class being those who most complain of being affected by the auction system.

This latter class of traders are numerous and respectable in our large cities, employing considerable capitals, and are worthy of consideration. They are an intermediate grade of merchants, between the wholesale and importing merchants and the retail shopkeepers, about equal in grade to the auctioneers. They purchase largely at auctions, at the package sales, from wholesale importers, and in such other ways as they can obtain merchandize on reasonable terms. Some of them are also importers to a limited extent, and others occasionally receive goods on consignment; their purchases at public sales being sufficiently large to add much to the evil of which they complain. For unless they were purchasers, the auction sales would be but small, compared to what they now are: And it does appear to the committee, that were there no auctions, the manufacturing and shipping houses in Europe, would still, at the end of each season, after having completed all regular orders, ship on their own account, the remains of their stock on hand, to the best markets they could find, and that such goods as have been manufactured for the American market, would find their way to our sea-ports; and from the circumstance of there being no auctions, even if not sought for by the jobbers, which is altogether doubtful, they would be offered to them on such terms as would induce them to become purchasers.

The committee are of opinion, that merchants, by reason of their profession, are not bound to abstain from selling inferior, or even bad goods, for what they in reality are; but they are morally bound not to deceive innocent purchasers, by recommending them for what they are not. And the committee are of opinion, that it does not follow, that if the auctions were discontinued by reason of high duties or other restrictions, imposed either by the United States, or state government, that our country would be supplied with goods superior to those which we now receive; because a large proportion of the goods shipped to this country, are manufactured expressly for the American market, according to samples sent out and directions given. And the committee are further of opinion, that were there no auctions, the same goods, as respects quality and quantity, would be sent to, and sold in this country. The jobbers filling the space vacated by the auctioneers, the public would be no better served than at present. The state revenue would be the only loser, and the jobbing merchants the only gainers by the change. It then rests with the legislature to decide, whether they will stand with folded arms, and suffer a revenue of $257,000 per annum to be wrested from them without using every exertion in their power to preserve it. If so, it will become necessary to provide means to supply the deficit by taxation, or in some other way, as the whole of the aforesaid revenue stands pledged for the redemption of the canal debt, and to the support of public institutions.

It is alleged that merchandize of all descriptions are sold at auction, in dark rooms and crowded companies, and that they are struck off so quick as not to allow sufficient time for purchasers to examine what they are buying, which is a fact to a certain extent; but the difficulty is in some measure removed by the previous exposure of the goods for examination as before mentioned, and also by the three days allowed after each sale, as allowed by common custom, for the examination; within which time, goods sold as perfect, and of specific lengths, breadths and qualities, if found to differ from the terms of sale, in either of these respects, they are returned, or retained on the purchaser's receiving such deductions as may be agreed on at his option. And under this consideration, the committee are of opinion that the auction business, when conducted by honorable men, is as free from the charge of fraud and deception as private sales, and that both are open to fraud and deception, if conducted by a different description of men.

It is also urged that auctions offer an inducement to agents and other importers, to commit frauds on the revenue of the United States, by invoicing their goods below their real value, the amount of duty saved enabling them to dispose of their goods at low rates at auction. It is believed that this charge is well founded, to a limited extent, so far as it respects dishonest importers; and although the committee are sensible that the violation of law and common ho-

nesty, has a demoralising effect on the state of society, yet they are inclined to believe that the evil is not so extensive as many imagine; and when it is recollected that the national government has guarded its revenue by the appointment of appraisers, whose duty it is to open and examine every package of goods, at the public store previous to the importers receiving them, it is believed that few, if any, such frauds are committed; and were there no auctions, frauds on the revenue would sometimes be committed in this, as well as every other country.

It is believed by many respectable merchants and others, that the present auction law is objectionable inasmuch as it creates a mercantile monopoly, by confining an extensive branch of business to a small and limited number of auctioneers, to the exclusion of other citizens of equal claims.

It is also alleged by reputable merchants and traders, who are worthy of consideration, that the mode of disposing of goods, both at package and other sales, favor the commission of frauds by not allowing sufficient time or opportunity for examination of the goods. They also object to the practice of auctioneers advertising a certain quantity of goods, which is believed to be all they have of those particular articles, when it often happens, that if the goods bring a good price, ten times the quantities are sold by sample, lot after lot, until the price falls so low that there is no further inducement to continue the sale, leaving those who purchased the first parcels unable to compete with those who afterwards purchased at reduced prices.

The committee, in order to remedy the evils complained of, are of opinion that any citizen of the United States, of approved character, who could give security for the payment of duties to the state, licensed as auctioneers in the cities and counties wherein they reside, it would destroy the monopoly complained of, in a manner satisfactory to the public: and are also of opinion that auctioneers should be compelled by law, to advertise all the goods they intend selling at each sale, and that no additional parcels shall be sold by sample; and that all goods intended to be sold at auction, at package sales, should be exposed to view in the stores or warehouses, at least three days previous to a sale; and that all goods, wares and merchandize, sold at public auction as perfect, and of specific descriptions, shall be considered so warranted by the auctioneer; and if found to differ from such warranty, within three days after purchase, the same should be returned to such auctioneer. That all goods, wares and merchandize, sold from the shelf in less quantities than original packages, shall be exposed for examination in the auction stores from sun-rise on the day of sale, and subject to be returned within three days after the sale for either of the causes, as set forth in cases where goods are sold at package sales.

And in order to secure the revenue of the state, and insure a faithful performance of duty on the part of the auctioneers, and a full compliance with the laws regulating sales by auction, it is expedient that a superintendent of auctions should be appointed by the comptroller of this state, to reside in the city of New-York, to receive the quarterly accounts of auctioneers, and to examine the same by their books of original entry; and also to report to the comptroller, from time to time, the names of such auctioneers, who shall or may, in any respect, violate the law regulating sales at auction. And the committee are of opinion, that a law embracing the the principles of this report, would effectually preserve the revenue of the state, and satisfy every reasonable demand of the merchants who feel aggrieved by the present mode of conducting auction business; and they have therefore directed their chairman to prepare a bill, which he now asks leave to present.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act to amend the first title of the seventeenth chapter of the first part of the revised statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Dayton, from the select committee to which was recommitted the engrossed bill from the Senate, entitled "An act concerning marine insurance in the state of New-York," reported, that the committee have again examined the said bill, and recommend that it be passed into a law.

Ordered, That the said bill be recommitted to a committee of the whole house.

Mr. Garnsey, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the village of Lockport," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

The annual report of Ebenezer Hunt, an inspector of sole leather for the county of Tompkins, was read, in the words following, to wit:

In compliance with the act of the legislature in such case made and provided, I, Ebenezer Hunt, inspector of sole leather for the county of Tompkins, do make report as follows:

That during the year ending on the 31st day of January 1829, I have inspected 2,447 sides of sole leather bearing the inspection of good, weighing 34,258 lbs.; and 153 sides damaged, weighing 2,142 lbs. The fees for the same received, amount to $104. That the value of the said leather is probably $8,-221.92. That the manufacturers are improving in the quality of their leather; and it is believed sole leather will be manufactured in this village during the ensuing year, equal to any manufactured in this state.

Given under my hand, at Ithaca, January 31, 1829.

EBENEZER HUNT.

Ordered, That the said report be laid upon the table.

A communication from the surveyor-general was read, in the words following, to wit:

The surveyor-general, on the petition of John H. Lathrop and Orin Palmer, referred to him by the Honorable the Assembly, respectfully reports:

That the act entitled "An act to authorise the sale of certain lands therein mentioned, by the people of this state," passed March 10th, 1827, authorised the commissioners of the land-office to convey in fee, on the conditions mentioned in the act, the lot of twenty-five acres of land in the town of Salina, leased by the superintendent of the salt springs to Moses D. Rose, to the grantees of the estate conveyed to him by said lease. When the lands in the salt springs reservation were allotted for sale, it was found that it would be for the public interest to alter the location and shape of this lot, so as to admit of a more regular and advantageous allotment of the ground surrounding it, than could otherwise be made. This was agreed to by the parties interested, and recommended by the superintendent of the salt springs. Of this the legislature was not advised when the act was passed. It will therefore be necessary so to amend the act as to make its execution practicable; which may be done, by authorising the grant intended by the act to be made, "with such bounds as were surveyed for the ground held under the lease, when allotments of the adjacent ground were made by the authority of the surveyor-general." To have the act so amended, is the prayer of the petitionere, which it is obvious ought to be granted.

Respectfully submitted,

SIMEON DE WITT, *Surveyor-General.*

February 6, 1829.

Ordered, That the said communication be laid upon the table.

Ordered, That Mr. Willey have leave of absence for 10 days, and Mr. Allison for seven days.

Ordered, That the report of the committee on privileges and elections, on the petition of Harvey Granger, of the town of Greenfield in the county of Saratoga, praying to be admitted to a seat in this house as a member of assembly from said county; together with the petition of the inspectors of election of said

town of Greenfield, praying that a commission be granted for the purpose of obtaining testimony in relation to frauds alleged to have been committed in that town at the late annual election, and the accompanying affidavits, be re-committed to the committee on privileges and elections.

Mr. Starr gave notice, that on Wednesday the 18th instant, at 12 o'clock, he would move for a call of this house.

On motion of Mr. Noble,

Resolved, That when this house adjourns, it will adjourn to meet on Monday next at ten o'clock.

Five several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising the building of a toll-bridge across the Chenango river;" the bill entitled "An act to incorporate the Bakers' benefit society of the city of New-York;" the bill entitled "An act to reduce the number of trustees of Fredonia academy in the county of Chautauque;" the bill entitled "An act relative to Middlebury academy in the county of Genesee;" and the bill entitled "An act to incorporate the Canajoharie and Sharon turnpike company," severally without amendment.

Ordered, That the clerk deliver the said bills to the Governor.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of John Griffiths and Eleanor Griffiths;" the bill entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury;" the bill entitled "An act to continue in force the act incorporating the Ancient Britons' benefit society of the village of Utica;" the bill entitled "An act for the relief of the representatives or devisees of Robert Adams, deceased;" the bill entitled "An act for the relief of purchasers on the Selkirk tract in the county of Oswego;" and the bill entitled "An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer, Fairfield and Germanflatts, in the county of Herkimer;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of John Griffiths and Eleanor Griffiths," was referred to a select committee, consisting of Mr. T. L. Smith, Mr. Skinner and Mr. Dana; the bill entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury," was referred to a select committee, consisting of Mr. M'Crea, Mr. Redfield and Mr. Soper; the bill entitled "An act to continue in force the act incorporating the Ancient Britons' benefit society of the village of Utica," was referred to a select committee, consisting of Mr. Savage, Mr. Bacon and Mr. Tower; the bill entitled "An act for the relief of the representatives or devisees of Robert Adams deceased," was referred to a select committee, consisting of Mr. Boynton, Mr. Armstrong and Mr. Hubbell; the bill entitled "An act for the relief of the purchasers on the Selkirk tract in the county of Oswego," was referred to a select committee, consisting of Mr. Falley, Mr. Bradish and Mr. White; and the bill entitled "An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer, Fairfield and Germanflatts, in the county of Herkimer," was referred to a select committee, consisting of the members attending this house from the county of Herkimer, severally to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the bill bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, FEBRUARY 9, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a bank in that city, to be styled the Greenwich and Manufacturers' Bank, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Jonathan Wheat, praying relief in relation to certain lands leased to him by this state, was read, and referred to the surveyor-general.

The petition of sundry inhabitants of the village of Catskill, praying relief in reference to school district number 1 in said village, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Erie and Genesee, praying for the passage of a law to authorise an alteration of the division line between said counties, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Aurora in the county of Erie, praying for the passage of a law to authorise them to apply a part of their poor funds to the improvement of roads and bridges in said town, was read, and referred to a select committee, consisting of Mr. Fillmore, Mr. Burt and Mr. Fitch.

The petition of Joseph Howard junior, and sundry inhabitants of the town of Aurora in the county of Erie, praying that the conveyance of a certain piece of land to the said Howard may be confirmed, was read, and referred to a select committee, consisting of Mr. Fillmore, Mr. Burt and Mr. Fitch.

The memorial of sundry merchants, grocers and manufacturers, of the city of New-York, praying for the repeal of so much of the revised statutes as relates to the regulation and establishment of a standard for weights and measures of this state, was read.

Thereupon,

Ordered, That the said petition be committed to a committee of the whole, when on the bill entitled "An act to amend the revised statutes, so far as they relate to the standard of measures of capacity;" and that the usual number of copies thereof be printed for the use of the legislature.

The petition of Eliza Ann Babcock, of the city of Albany, praying for the passage of a law to change her name to Eliza Ann Seeley, was read, and referred to a select committee, consisting of Mr. Starr, Mr. Stanton and Mr. Gardner.

The memorial of sundry inhabitants of the counties of Broome and Otsego, praying for the incorporation of a company for the purpose of improving the navigation of the Susquehannah and Chemung rivers, and for other purposes, was read, and referred to the select committee on that subject, of which Mr. Mann is chairman.

The petition of sundry inhabitants of the town of Kirkland in the county of Oneida, praying for a division of that town, and for the erection of a new town by the name of Canning, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Genesee, praying for the repeal of the act passed at the last session of the legislature, which authorises the laying out of a road from Lima to Bethany, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Mann, from the select committee to which was referred sundry memorials from the citizens of the counties of Otsego, Delaware, and parts of Chenango and Broome, praying for the passage of a law incorporating the Susquehannah and Chemung navigation and rail-road company, reported:

That they have bestowed some attention on the object of these very numerous and highly respectable memorialists as developed in their petitions; and although they apply for the incorporation of an individual association, yet it

has appeared to the committee that the purpose which they design to accomplish is one of great public utility and general interest, demanding the favorable consideration which the wisdom of the legislature always affords to promote the welfare of our community. The petitioners represent that the design of this association is to connect the Otsego lake (from which proceeds the east branch of the Susquehannah river,) with the Erie canal at Fort Plain, in the county of Montgomery, by means of a rail-road nineteen miles in length, and to improve the navigation of the Susquehannah river by means of dams and locks, to the line of this state, and thence up the west branch to the Chemung river, including the same as far as Bath, in the county of Steuben. This contemplated improvement, as it is represented, would accommodate a population of more than three hundred thousand citizens including all the large and populous villages situate on the Susquehannah river and its tributary branches, with the facilities of a cheap conveyance for their surplus products, their manufactures, lumber, iron, coal, marble, salt and gypsum.

It has appeared satisfactory to the committee, that by this proposed improvement, the citizens of those counties watered by the Susquehannah and its branches, can approach "tide waters" in passing a less distance and with more facility than on any other route yet proposed or contemplated for their benefit, embracing and uniting as it does all the advantages and interests of the various projects contemplated for the union of those waters with the grand canal.

Of the practicability of this improvement, little doubt is entertained. In reference to this inquiry, the committee have been referred to the detailed report of Col. De Witt Clinton, jr., engineer, made in the year 1827, and found in the journals of the Assembly for that year, which as far as the same can be relied on, shows that this contemplated improvement can be accomplished for a reasonable expenditure proportioned to the benefits which might be expected to accrue from such a work. Experienced and observing men have pronounced the Susquehannah river from Cooperstown to Tioga point, one of the most favorable streams for a slack water navigation in this country; and Judge Wright says in his report to the Senate in 1826, "that nature has formed a valley extending from the foot of Otsego lake down the river to Tioga Point, and thence up the Chemung river to Bath, in Steuben county, a distance of two hundred and twenty miles, where a canal may be constructed at a small expense, and by connecting it with the Delaware and Hudson canal, it will be only second in importance to the Erie canal."

The union of the Chemung river with the Seneca lake by either the Chemung canal or the proposed connection through the Crooked lake, would complete an extensive chain of inland navigation connected with this enterprise and the canals of Pennsylvania.

The petitioners represent that a steam-boat navigation on the Susquehannah river may be obtained without hazardous or ruinous expenditures, and that they are fully convinced that the inducements to the completion of the proposed improvements are so palpable, that capitalists will afford them all the means necessary to the accomplishment of their patriotic purposes. Although it was not strictly necessary, the committee have made some general inquiries as to the cost of this work, and the benefits which might reasonably be expected from its accomplishment. Scrutinizing these points with that rigid and practical severity which is so requisite to arrive at truth on all such occasions, and taking caution from the lessons of experience, the committee are induced, on general principles, to conclude that the cost of this improvement will not so far outstrip the practical benefits to be derived by its incomes, as to render its success abortive or delusory. That transportation can be done on a slack water navigation cheaper and with more facility than on a canal, is a point long since conceded; and while the expense of the construction of such a navigation is ordinarily greatly diminished below the construction of canal navigation, it should be borne in mind, that a navigation subject to a rise of water continues longer and opens earlier than canals.

The policy of the state which encourages individual enterprise in the accomplishmeat of great improvements, merits some consideration. The message of his excellency the Governor on this subject, cannot have failed to meet the most cordial approbation of every disinterested and firm friend of the state.

That individual efforts, cherished and fostered by the protecting arm of public authority, are fully adequate to the accomplishment of great undertakings of this kind, has been forcibly illustrated not only in transatlantic countries, but in several prominent instances within our own jurisdiction.

That works can be performed under the constant stimulous of individual interest, which promotes rigid economy, for much less expenditure than by the efforts of a government under any system of accountability yet invented or known in political science, must appear obvious to every reflecting man.

Governments must always act by their agents, whose interest and cupidity are naturally opposed to them; and the warning voice of every political patriotic writer, speaks to all governments, to avoid as far as possible the multiplication of occasions for bargaining with individuals. In all instances where governments have undertaken the business of production by manufacturing, carrying on agriculture or commerce, although they have enjoyed all the facilities of capital, a failure of the design has ensued. History is replete with facts to illustrate this remark.

The committee are aware that a contrary sentiment has prevailed, and found many advocates, that all internal improvements should be the peculiar work of the government; that such corporations are dangerous aristocracies, and that public debts contracted for such improvements, are not like those which arise from war or public calamity, inasmuch as they produce the means of wealth to our citizens in the benefits of the works which they create. The policy of our sister states of Ohio and Pennsylvania, is appealed to with exultation, as affording examples of bold daring in the march of the empire. Many of these advocates have tasted the sweets flowing from the treasury of the people of this state, in the construction of her unparalleled works of internal improvements; and it is no longer then wonderful that their tongues are fired with eloquence in favor of the continuance of such showering blessings.

Need we appeal to the voice of wisdom, confirmed by experience, to prove that public debts, more particularly in this union of free states, contracted for whatever cause or necessity, are always inauspicious to public prosperity?

Governments always supply their coffers directly or indirectly from the people. Let us again turn our attention to the condition of our sister states of Ohio and Pennsylvania, to see whether their bold example should inspire us with courage or caution. But recently Ohio was receiving the full tide of emigration, wealth and enterprise from the east; it is now diverted to another country. The sale of her lands is almost ceasing, although the price is diminished by her landholders; and in numerous instances have they abandoned their property, to be, if possible, disposed of by the government, to raise the exactions due to the treasury. A degree of public alarm prevails, and if emigrations from Ohio farther west, should be the consequence, that alarm would not be altogether groundless.

Pennsylvania is beginning to feel that her condition is somewhat similar to that of New-England, soon after the revolution, borne down by the burthens which necessarily followed the achievement of her independence. Her population poured into the western wilds, and peopled the state of New-York, because they had little inducement to remain where public exactions consumed so large a portion of their surplus income.

The western states open themselves to the youthful enterprise of Pennsylvania, and she may well fear that the inducements they afford to her sons for a residence, and the exercise of free industry, in preference to their native land, will prove seductive to her wealth and political prosperity. From these examples, let us learn prudence.

Can the people of this state desire their government to be involved in public debts, insomuch that citizens of foreign states or countries will refuse a re-

sidence among us? We trust not: And then the policy of cherishing the enterprise of individual capitalists and companies, in the construction of works of internal improvement, becomes apparent.

The committee are aware that the project of this association has, by some, been considered as hostile to the contemplated Chenango canal; but they are well assured, by gentlemen representing the county of Otsego, that it is not so intended. Indeed, it would appear to the committee, that the superior magnitude of the object would effectually forbid such an inference.

The committee are unanimously of opinion that the prayer of the petitioners ought to be granted; and they have accordingly instructed their chairman to ask for leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act to incorporate the Susquehannah and Chemung navigation and rail-road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Fitch, from the select committee to which was referred the petition of the commissioners appointed to superintend the erection of a new court-house and jail in the county of Broome, reported:

That the petitioners represent, that by an act of last year, the supervisors of said county of Broome are required to raise the sum of 5,000 dollars, for the purpose of erecting a new court-house and jail in said county, in five equal annual instalments: That at the last meeting of the board, the sum of 1,000 dollars was assessed; and that the circumstance that the remaining 4,000 dollars is to be received in extended instalments, will very much embarrass them in the execution of their trust. They further represent, that the sum of 5,000 dollars is likely to prove insufficient for the purpose. They therefore pray that they may be authorised to borrow the remaining sum of 4,000 dollars upon the credit of the county, and apply the monies arising from the sale of the old court-house and jail, in aid of the sum already provided, for the erecting and completing the new ones.

The committee are of opinion that the facts set forth are true, and that the prayer of the petitioners is reasonable, and ought to be granted. They have accordingly prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Fitch, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the report of Robert R. Henry, an inspector of pot and pearl ashes, reported:

That in their opinion, it is only necessary to have entered upon the journals, so much of said report as is contained on the first page, and on the second to the word "Independently;" and that the residue of the report does not deserve any farther consideration.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of John Griffiths and Eleanor Griffiths," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Savage, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to continue in force the act incorporating the Ancient Britons' benefit society of the village of Utica," reported, that they

have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

A communication from the secretary of state was read, in the words following, to wit:

STATE OF NEW-YORK—SECRETARY'S OFFICE.
Albany, February 7, 1829.

SIR,

I beg leave to present the enclosed communication to the house over which you have the honor of presiding.

I am, with much respect,
Your obedient servant,
A. C. FLAGG.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK,
SECRETARY'S OFFICE. } *Albany, February* 7, 1829.

The secretary of state respectfully submits to the legislature, the propriety of transferring to the comptroller's office, the appraisements of damages on the canals, and the papers connected therewith, which have been deposited in this office in pursuance of resolutions of the Assembly, (See Assembly Journals of 1827, page 1051.) By the present arrangement in the comptroller's office, the books and papers connected with the canals are kept in a separate room, called the "canal room;" and the business of that department is assigned to the clerk of the canal board. It seems proper, therefore, that the reports of the appraisers should be deposited with the other papers relating to the canals.

The secretary of state also respectfully suggests to the legislature, the propriety of transferring to the office of the register in chancery, the writings, records, and proceedings remaining in the office of the court of probates at the time it was abolished; and which, by "An act respecting the court of probates," passed March 21st, 1823, were deposited in this office for safe keeping. By the act above referred to, abolishing the court of probates, it is provided, (section 5,) "that all appeals, suits, judgments, and decrees now depending or being before the court of probates, shall be, and are hereby transferred to the court of chancery; and such proceedings shall be had thereon, as might have been had in the court of probates, if this act had not been passed." And the third section authorises an appeal from the decisions of surrogates, to the chancellor. From these provisions, it would seem as if the register's office was the appropriate place of deposit for these papers.

All of which is respectfully submitted,
A. C. FLAGG.

Ordered, That so much of the said communication as relates to canal documents, be referred to the committee on canals and internal improvements; and that so much as relates to the writings, records, and proceedings of the court of probates, be referred to the committee on the judiciary.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

On motion of Mr. Tower,

Resolved, That the comptroller be requested to report to this house, the amount of monies belonging to the canal fund, which have accrued over expenditures, interest on loans, &c. and which must eventually be applied to the payment of the debt contracted for the construction of the Erie and Champlain canals, and how the same is now invested.

Ordered, That Mr. Sanford have leave of absence for two weeks, Mr. P. Van Beuren for two days, and Mr. Taber for two days.

On motion of Mr. Mathews,

Ordered, That the report of the surveyor-general on the petition of John H. Lathrop and Orin Palmer, together with the documents accompanying the same, be referred to the committee on claims.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, FEBRUARY 10, 1829.

The House met pursuant to adjournment.

Sundry petitions and remonstrances relative to a division of the town of Romulus, in the county of Seneca, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Clay, in the county of Onondaga, relative to lowering the waters of the Oneida lake and improving the navigation of the Oneida river, was read, and ordered to be laid upon the table.

Two several petitions of sundry inhabitants of the counties of Herkimer and Otsego, praying for the incorporation of the Susquehannah and Chemung navigation and rail-road company, were read, and committed to the committee of the whole when on the bill upon that subject.

The petition of Samuel Crippen and others, inhabitants of the town of Milford, in the county of Otsego, praying for a renewal of the act authorising John Low to maintain a dam across the Susquehannah river in said town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry persons residing at and near the head of the Seneca lake, praying for the passage of a law directing the canal commissioners to reduce the waters of the said lake to a level with its outlet, was read, and referred to the committee on canals and internal improvements.

The petition of Seth Wetmore, of the county of Montgomery, praying for legislative relief in relation to a contract entered into by him, with certain commissioners of the state, for the construction of a road through the state lands in the north part of said county, was read, and referred to a select committee, consisting of Mr. Randall, Mr. J. Hall and Mr. Spier.

The petition of Stephen Warren and others, citizens of the city of Troy, praying for an act of incorporation for the purpose of supplying said city with good and wholesome water, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry mechanics and builders of the county of Monroe, praying for the passage of a law to give them a lien upon buildings which they may erect, was read, and referred to the select committee on that subject, of which Mr. Burt is chairman.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of school district No. 1, formed from parts of the towns of Dansville and Burns, in the counties of Allegany and Steuben, reported:

That the petitioners state, that in the year 1827, Edward Rowen set up a claim to the lot of ground upon which the school-house in their district had been erected, and to which the district had a valid title by deed, duly recorded: That the said Rowen took possession of the school-house: That a school meeting was called, and a vote taken to proceed against the said Rowen, under the act in relation to forcible entries and detainers, and to raise the sum of ten dollars, by a tax on the district, to defray the expense: That the said Rowen was removed by a proceeding under the said act, and immediately commenced a suit against the said trustees, in the Allegany county court, for assault and battery, trespass and false imprisonment; which, after having been put over several terms, was tried, and a verdict and judgment rendered for the defendants: That a bill of expense was incurred by the trustees, in obtaining witnesses, and attending court, &c., to the amount of about fifty dollars: That they have not been able to obtain a vote of the district to raise the money. They therefore pray that an act may be passed to levy a tax on the district, or that the school-house may be sold for the purpose, as it is not located in the centre of the district.

The school act defines very clearly the powers of a district meeting, and the duties of the trustees. The legislature have not thought proper to give power to a district school meeting, to levy a tax on the inhabitants, for the purpose of maintaining or defending suits; nor is it among the duties required of the trustees, by the act, to commence suits on behalf of the district. Persons undertaking the duties of an office, must be presumed acquainted with the law from which they derive their authority to act. The vote of the meeting to raise money for the purpose of defending their title, was not authorised by the act.

This may be a hard case for the trustees, and one which addresses itself to the liberality of the inhabitants of the district; but the committee are of opinion, that the granting of this petition would be a very bad precedent, which might lead to many trifling applications to the legislature upon the same ground. They have therefore directed their chairman to report to the house the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Fillmore, from the select committee to which was referred the petition of sundry inhabitants of the town of Aurora in the county of Erie, reported:

That the following facts appear by said petition, (the truth of which the committee have no reason to doubt,) to wit: That there are in said town of Aurora several large and expensive bridges, situated on important roads leading across the western and middle branches of the Buffalo creek: That the said town has for some years past, raised by tax as large a sum as the present law will permit them to raise, and found the same insufficient to defray the expenses of building said bridges, and keeping them in repair: That there is now in the hands of the overseers of the poor of said town, the sum of about three hundred and fifty dollars, belonging to the poor funds of said town; and that there is not now, nor has there been for some time past, any paupers chargeable to, or supported by said town. The petitioners therefore pray that a law may be passed, authorising and requiring the overseers of the poor of said town, to pay over so much of said money now remaining in their hands, to the commissioners of highways of said town, as the inhabitants thereof, at their town meeting, shall by vote direct, to be by said commissioners expended in like manner as other moneys coming into their hands are by law to be expended.

However sacred this fund should in general be held, yet under the circumstances of this case, where there appears to be no special object in want of this charitable fund, or likely to require it, as it is a notorious fact that the said

county has lately erected a poor-house; and where the conveniences of the town and public at large will be greatly promoted by applying a part of it to the repairs of the bridges in said town, which without it will soon be impassable; the committee are of opinion that the prayer of the petitioners ought to be granted, and have directed their chairman to ask leave to introduce a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Fillmore, according to leave, brought in the said bill, entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain monies to the commissioners of highways of said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Starr, from the select committee to which was referred the petition of sundry masters and owners of vessels and steam-boats navigating the Hudson river, praying the passage of a law requiring vessels lying at anchor in the harbor of New-York to show a light during the night, reported:

That a law was passed in 1826, making it the duty of all vessels lying at anchor in the Hudson river north of Fort Gansevoort, to show a light at night: That it is evident to the committee, that both vessels and cargoes are frequently exposed to damage in entering and leaving the harbor of New-York, for the want of the same precaution. The committee have therefore prepared a bill in conformity with the prayer of the petitioners, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Starr, according to leave, brought in the said bill, entitled "An act for the regulation of vessels lying at anchor in the harbor of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bogert, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in addition to the act entitled 'An act concerning the revised statutes,' passed December 10th, 1828," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Falley, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of purchasers on the Selkirk tract in the county of Oswego," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. M'Crea, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Boynton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the representatives or devisees of Robert Adams deceased," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

The annual report of George Smith, an inspector of beef and pork in the city of Troy, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

I, George Smith, inspector of beef and pork, residing in the city of Troy in the county of Rensselaer, do hereby certify and report:

That since the first day of February 1828, I have inspected under and by virtue of my said office, four hundred and sixty-one barrels of pork, as follows:

Mess pork,....	153 bbls.	
Prime do	303 "	
Cargo do	5 "	
		Total,.... 461 bbls.

The fees for the inspection of which, is $69 15

And also since the first day of February 1828, I have inspected as aforesaid, five thousand eight hundred and twenty barrels of beef, of the qualities following, that is to say:

Mess beef,....	2,154 bbls.	
Prime do	3,531 "	
Cargo do	45 "	
Neck do	90 "	
		Total, ... 5,820 bbls.

The fees for the inspection of which, I charged and received, $756 60

And I do further report, that mess pork, at the time of such inspection by me, was worth or valued at about $12; prime, $9; cargo, $5 or 6.

And I do further report, that at the time of the inspection aforesaid, mess beef was worth or valued at $8.25; prime, $6.25; cargo, 3.50; neck, $2.75.

GEORGE SMITH.

Troy, January 31, 1829.

Ordered, That the said report be laid upon the table.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the building of a toll-bridge across the Chenango river."

"An act to incorporate the Bakers' benefit society of the city of New-York."

"An act to reduce the number of trustees of Fredonia academy in the county of Chautauque."

"An act relative to Middlebury academy in the county of Genesee."

"An act to incorporate the Canajoharie and Sharon turnpike company."

MARTIN VAN BUREN.

Albany, February 7, 1829.

A communication from the acting Comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, February 10*th*, 1829.

SIR—

I have the honor herewith to transmit a report, made in pursuance of a resolution of the honorable the Assembly of the 9th instant.

I am, very respectfully,
Your obedient servant,
PHILIP PHELPS,
Acting Comptroller.

HON. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK,
COMPTROLLER'S OFFICE.

The acting Comptroller, in obedience to a resolution of the honorable the Assembly of the 9th inst., requesting him "to report to that house the amount of monies belonging to the canal fund, which have accrued over expenditures, interest on loans, &c., and which must eventually be applied to the payment of the debt contracted for the construction of the Erie and Champlain canals, and how the same is now invested," respectfully reports:

That the surplus revenues of the Erie and Champlain canal fund, over and above the expenditures on account of the same, now at the disposal of the commissioners of the canal fund, are as follows, viz:

Invested in the stock of the Delaware and Hudson canal comp.,.	$219,353 25
do do Neversink navigation company,....	10,000 00
Loaned to the corporation of the city of Albany,.....	150,000 00
Due from the Cayuga and Seneca canal fund, for temporary advance from this fund;	63,957 86
On deposit in the New-York State and Mechanics' and Farmers' Bank, ...	327,385 85
	$770,796 96

The circumstances under which the advance from this fund to the Cayuga and Seneca canal fund was made, will be explained in the annual report of the commissioners of the canal fund, which will shortly be made.

Respectfully submitted.

PHILIP PHELPS.
Acting Comptroller.

Albany, 10*th February*, 1829.

Ordered, That the usual number of copies of the said communication, be printed for the use of the legislature.

On motion of Mr. Fillmore,

Ordered, That the report of the comptroller on the petition of William Williams, receiver of the Bank of Niagara, together with the documents accompanying the same, be referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs and legal representatives of David Smith, deceased;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the house adjourned until ten o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 11, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the villages of Waterville, Sangerfield and Kirkland, in the county of Oneida, praying for the incorporation of a bank, to be located at Waterville, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The memorial of a convention of delegates from the counties interested in the construction of the Black river canal, and sundry other persons, praying for the construction of a canal from Rome to the navigable waters of the Black river, was read, and referred to the committee on canals and internal improvements.

The petition of sundry master builders and others of the city of Albany, praying for the passage of an act giving them a lien on buildings erected by them, the better to secure them remuneration for their labor and materials, was read, and referred to the select committee on that subject, of which Mr. Burt is chairman.

The petition of sundry inhabitants of the towns of Alabama, Bennington, Pembroke and Sheldon, in the county of Genesee, praying for the passage of a law to authorise the supervisors of said county to raise by tax the sum of 2,000 dollars, for the purpose of constructing a road from Sheldon to Medina; and the remonstrance of sundry inhabitants of the county of Genesee, against the passage of such a law; were severally read, aud referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the town of Steuben in the county of Oneida, against the passage of a law to incorporate the Remsen academy, was read, and referred to the committee on colleges, academies and common schools.

Sundry affidavits upon the subject of a division of the town of Romulus in the county of Seneca, were severally read, and referred to the committee on the erection and division of towns and counties.

The petition of the trustees of school district number 8 in the town of York in the county of Livingston, praying for a certain amendment to the law passed at the last session of the legislature, entitled "An act authorising the trustees of school district number 8 in the town of York, to sell the old school lot belonging to said district," was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Franklin and St. Lawrence; praying that pecuniary relief may be afforded to Lemuel Warren, a contractor in the construction of a road through the St. Regis reservation, was read, and referred to the committee on claims.

The petition of Conway Smith, an alien, praying for the passage of an act authorising him to purchase, take, hold, and convey real estate, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of an act authorising the construction of the Chenango canal, was read, and referred to the committee of the whole, when on the bill upon that subject.

Mr. Skinner, from the committee on colleges, academies and common schools, to whom was referred the petition of Addison Porter and others, of the village of Catskill, praying that an act may be passed, authorising the trustees of school district number 1 in that town, to receive pay for the tuition and fuel of pay scholars in said district in advance, reported:

That it appears from the petition, that the trustees of said district have been put to some inconvenience, and have sustained some loss in collecting the wages of the teachers, and the pay for fuel, on account of the great number of scholars taught in the district, and the small sums due from each.

From the facts stated, the committee have been unable to discover any good reason for varying the law applicable to this district, from the general law regulating common schools. Ample provision is made in the school act, for collecting the wages of teachers, and pay for fuel. The committee think the law on the subject ought to be uniform, and they ask leave to submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Tioga and Tompkins, praying for an act of incorporation for the purpose of constructing a turnpike road from Ithaca to Havana, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act to incorporate the Ithaca and Havana turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the communication from the secretary of state of the 7th February, relative to sundry documents concerning the appraisement of damages on the canals, reported the following resolution:

Resolved, That the secretary of state be directed to transfer to the comptroller's office, the appraisement of damages on canals, and the papers connected therewith, deposited in his office by virtue of resolutions of the Assembly at the session of 1827.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dana, from the committee on courts of justice, to which was referred the bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county," reported, that the committee have examined the said bill; and that in their opinion, it would be inexpedient to pass a general law, making provision for cases similar to those contained in the bill referred to them. They recommend that the bill be recommitted to a committee of the whole.

Thereupon,

Ordered, That the said bill be recommitted to a committee of the whole house.

Mr. Soper, from the committee on the judiciary, to whom was referred the petition of Ezra Babcock, Nathan Benson, Sylvanus Larned, Jacob H. Thompson and Susan his wife, reported:

That in the year 1818, the said Ezra Babcock made a parol agreement with Isaac Allen, late of the town of Groton in the county of Tompkins, since deceased, for the purchase of about fifty acres of land, situate in the town of Locke in the county of Cayuga, for which he was to pay about three hundred dollars: That during said year, he paid one hundred and fifty dollars of said sum; and on the nineteenth day of April 1819, the said Isaac Allen executed to the said Ezra Babcock a deed in fee for said land, and the said Ezra Babcock executed to the said Isaac Allen a bond and mortgage on the same, to secure the payment of the residue of the purchase money: That said deed and mortgage were not delivered, but left in the hands of Henry Kenedy, to be acknowledged by their respective wives: That the wife of the said Isaac Allen acknowledged said deed; but the wife of the said Ezra Babcock did not acknowledge said mortgage: That in the spring of 1820, the said Henry Kenedy removed to the westward, and afterwards sent the said deed and mortgage by his brother to the said Isaac Allen: That in the month of March 1825, the said Isaac Allen died, leaving several children who are yet within the age of twenty-one years: That the said Ezra Babcock paid the greater part of said purchase money to the

said Isaac Allen in his lifetime, and the balance (about eighteen dollars) he has since paid to the other petitioners, who have administered upon the estate of the said Isaac Allen: And that diligent search has been made for said deed, but the same cannot be found.

Upon the above statement of facts, the petitioners pray that an act may be passed, authorising the administrators of the said Isaac Allen to convey the said premises in fee to the said Ezra Babcock.

The committee are of opinion that the above facts do not present a case requiring legislative aid, inasmuch as the relief sought for can be obtained by resorting to a court of equity. They therefore ask leave to introduce the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Keith, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the president, directors and company of the Watervliet road company, praying for permission to abandon a portion of their road at its northern termination, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Keith, according to leave, brought in the said bill, entitled "An act concerning the Watervliet turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Edgerton, from the committee on privileges and elections, to which was recommitted the petition and documents relating to the election in the town of Greenfield, reported:

That they have had again under their consideration the subject and the additional documents submitted to them, and see no reason to alter their former report on the same subject.

Ordered, That the said report and documents be recommitted to a committee of the whole, and that the same be the special order of the day for Monday next.

Mr. Fitch, from the select committee to which was referred the memorial of the board of supervisors of the county of Broome, reported:

That the petitioners represent that the clerk's office of said county is situated in a compact part of the village of Binghamton, and nearly in the centre of a large block of buildings partly composed of wood, thereby rendering the office and its contents very liable to destruction by fire: That the public ground upon which a new court-house and jail are about to be erected, is spacious, and removed a safe and convenient distance from all other edifices, and entirely under the control of said board. They further represent that the old clerk's office can be sold for a sum sufficient to erect a new one upon the public ground aforesaid, and adjacent to the contemplated new court-house and jail. They therefore pray that commissioners may be appointed by an act of the legislature, with authority to sell the present clerk's office, and erect a new one near the new court-house and jail aforesaid.

The committee are of opinion that the facts set forth by the memorialists are true, and that their prayer is reasonable and ought to be granted, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Fitch, according to leave, brought in the said bill, entitled "An act relative to the clerk's office in the county of Broome;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fillmore, from the select committee to which was referred the petition of Joseph Howard junior, and others, reported:

That it appears from said petition, the truth of which is verified by the certificate of the trustees of school district number one in the town of Aurora and

county of Erie, that said district were the owners of a certain piece of land, which had been conveyed to their predecessors in office, for a lot on which to erect a school-house in said district: That a school-house had been built thereon, and occupied by said district, until a little more than a year since, when the house had become so dilapidated that it was found necessary to erect a new one: That the inhabitants of said district were of opinion that a better site for a school-house could be procured than this, as it was situated so near the centre of business in the village, that the school was frequently interrupted by noise; and they accordingly got the consent of the school commissioners to remove the site, and voted to remove the same: That they there voted that the old lot should be sold to the one who would give the most for it; and it was accordingly sold to the said Joseph Howard junior, for the sum of 84 dollars, and conveyed to him by a quit claim deed from the trustees of said district; and that the consideration money therefor has been duly paid by him to the trustees of said district, and by them duly applied towards the building of the new school-house: But on investigation, it was found that the said district could not convey their real estate, without being specially authorised by an act of the legislature; and therefore, as well the trustees as the inhabitants of said district, have united with the said Joseph Howard junior, in his petition, praying that said conveyance may be confirmed and rendered valid by an act of the legislature: And the committee are of opinion that justice and equity require that the prayer of the petitioners should be granted, and have directed their chairman to ask leave to introduce a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Fillmore, according to leave, brought in the said bill, entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard junior;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. Smith, from the select committee consisting of the members attending this house from the county of Onondaga, to which was referred the engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the county of Onondaga," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

A communication from the surveyor-general was read, in the words following, to wit:

The surveyor-general, on the petition of Jonathan Wheat, referred to him by the Honorable the Assembly, reports:

That in pursuance of the act, ch. 210, passed April 15th, 1826, an appraisement was made of the value of the permanent improvements made by Jonathan Wheat, to the mills at the Oswego falls, belonging to the state, above the rent reserved in his lease of the premises; and said Wheat to be remunerated to that amount, out of the proceeds of the sale of the mills with the necessary ground about them. Since which, that ground has been laid out, and the residue of the ground allotted, and all advertised and exposed for sale on the 6th of last May, in the usual manner, taking the minimum prices from the valuations of the surveyor. The sales of the village lots amounted to $2,830: of which, $815.20 was then paid into the treasury; but no bid was received on the mill-sites, the value of which, in public estimation, has been lessened by the erection of other hydraulic privileges in the neighborhood, by means of the canalling operations there.

When the act was passed, it was doubtless believed that the mill-site would meet with a ready sale, and that the petitioner would not remain long without the intended remuneration. Failing, however, in such an expectation, he applies to the legislature for relief; and prays, that instead of leaving him dependent on the contingency of the sale of the mill-site, he may receive what is due to him from the avails of the other lands of the reservation; and for this, he reposes himself on the justice and wisdom of the legislature. The uniform hardship of his case seems to entitle it to a favorable consideration.

Respectfully submitted,

SIMEON DE WITT, *Surveyor-General.*

February 11, 1829.

Ordered, That the said communication, together with the documents accompanying the same, be referred to the committee on claims.

The annual report of Ebenezer L. Boynton, an inspector of beef and pork in the city of Troy, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

I, Ebenezer L. Boynton, inspector of beef and pork, residing in the city of Troy in the county of Rensselaer, do hereby certify and report:

That since the first day of February now last past, in pursuance of the duties of said office, I have inspected two hundred and fifty barrels of pork, that is to say:

Prime pork, ...	94 bbls.	
Mess do	153 "	
Cargo do	3 "	
		Total,.... 250 bbls.

The fees for the inspection thereof being..... $37 50

And also within the time aforesaid, I have inspected three thousand one hundred and fifty-two barrels of beef, that is to say:

Prime beef, ...	2,048 bbls.	
Mess do	980 "	
Cargo do	14 "	
Neck do	100 "	
		Total, ... 3,152 bbls.

The fees for the inspection thereof being $472 80

And I do further certify and report, that the value or worth of pork by the barrel, was, for prime $9, mess $13, cargo $6; and beef, prime $7.50, mess $9.50, cargo $5 or thereabouts, necks $3.

E. L. BOYNTON.

Troy, January 31, 1829.

Ordered, That the said report be laid upon the table.

The annual report of John Stoddard, an inspector of pot and pearl ashes for the city and county of Albany, was read, in the words following, to wit:

To the Honorable the Speaker of the Assembly of the State of New-York, &c. &c.

John Stoddard, inspector of pot and pearl ashes for the city and county of Albany, makes the following report:

Has inspected, from February 1st, 1828, to February 1st, 1829, one thousand five hundred and ninety-four barrels of pot and pearl ashes; nearly one fourth were pearl ashes, the rest were pot ashes.

Deducting cash paid out for labour, rent of store, taxes, extra cooper's bill, &c. amount of fees actually received is five hundred and one dollars and seventy-six cents.

There are less number of barrels of ashes inspected this year, by about five hundred barrels, than there was from 1st February 1827, to 1st February 1828: Besides, the barrels, by the new revised laws of December 1827, November 1828, have in general been smaller, and the fees of course less; many barrels in worse order; ashes generally that have been made by the manufacturers, were much better in quality, less quantity of second and third sorts, but few condemned, to what there has been for several years past.

The amendment to the inspection law of pot and pearl ashes, will improve the barrels both for the benefit of the purchasers and exporters. The low price of ashes until late last fall, has been the cause (probably) that less number of barrels of ashes have been made than for some years before.

Ordered, That the said report be laid upon the table.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

The annual report of Nathaniel Wilson, an inspector of beef and pork for the county of Greene, was read, in the words following, to wit:

Return of Nathaniel Wilson, Inspector of Beef and Pork for the County of Greene, State of New-York, for the year 1828.

Prime beef, ...	3,040	bbls.
Mess do	675	"
Cargo do	6	"
Mess do	14	hf. bbls.

Equal to whole number of barrels of beef, 3728 bbls.

Prime pork, ...	43	bbls.
Mess do	38	"
Thin do	12	"
In all, ...	93	bbls. pork.

Whole amount of fees for 3,821 bbls. beef and pork, at 15 cts.	$577	05
do 14 hf. bbls. beef, at 10 cts.	1	40
	$578	45
Deduct charges, expenses, ...	192	35
Leaves for my services, ...	$386	10
Value of the whole, ... $24,850 00		

N. WILSON.

Catskill, January, 1829.

Ordered, That the said report be laid upon the table.

The Senate returned by their clerk, the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians."

Ordered, That the clerk deliver the said bill to the Governor.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herein,) That this Legislature will, on the 14th instant, at 12 o'clock at noon, proceed to the choice of a secretary of state, treasurer, surveyor-general, commissary-general, and one regent of the university of this state.

Ordered, That the said resolution be laid upon the table.

Mr. Garbutt offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house present a memorial to congress, praying that a law may be passed, franking the letters and papers passing to and from the members of the several state legislatures, whilst they are in session, &c.

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee on the militia be discharged from the further consideration of the petition of Reuben Ellis, and that the petitioner have leave to withdraw his petition.

Ordered, That the petition of sundry inhabitants of the town of Clay in the county of Onondaga, praying for the passage of a law to authorise lowering the Oneida lake, and the improvement of the navigation of the Oneida river, be referred to the canal commissioners.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising a loan to the Rochester high school," and that the said bill be referred to a select committee, consisting of Mr. Norton, Mr. Paige and Mr. Skinner, to consider and report thereon.

Mr. T. L. Smith gave notice that he would, at some future day, ask leave to introduce a bill, changing the time of holding the general election of the state.

Mr. Seeley gave notice that he would, on some future day, ask leave to bring in a bill, providing for the appointment of commissioners to inspect certain parts of the Schoharie-kill bridge road.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians."

MARTIN VAN BUREN.

Albany, February 11, 1829.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of the heirs and legal representatives of David Smith deceased," and find the same correctly engrossed.

The said engrossed bill, entitled "An act for the relief of the heirs and legal representatives of David Smith deceased," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for establishing a clerk's office of the supreme court in the village of Canandaigua in the county of Ontario;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Curtiss, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the resolution relating to the abolition of slavery in the district of Columbia; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until ten o'clock to-morrow morning.

THURSDAY, FEBRUARY 12, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Oneida, Lewis, Jefferson and St. Lawrence, praying for the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

Three several petitions of sundry inhabitants of the counties of Oneida and Otsego, praying for the construction of the Chenango canal, were read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of Timothy Tallman, setting forth that the provisions of the act passed for his relief, April 1st, 1824, have not been complied with, and praying relief in the premises, was read, and referred to the committee on claims.

The petition of sundry mechanics of the county of Oneida, praying for the passage of a law, so to regulate the price of labor of the convicts at the Auburn state prison, as not to interfere with the ordinary value of their labor, was read, and referred to the committee on trade and manufactures.

The remonstrance of sundry inhabitants of the county of Oswego, remonstrating against the passage of a law to authorise a central location of the county buildings in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the passage of a law to authorise the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the towns of Pomfret and Villenova in the county of Chautauque, praying for the erection of a new town from parts of said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of John Collins of the county of Chautauque, an alien, praying for the passage of a law to enable him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry distillers of the county of Madison, praying for an alteration of the law regulating the inspection of domestic spirits, was read, and referred to the committee on trade and manufactures.

Three several petitions of sundry inhabitants of the counties of Livingston, Genesee, Steuben, Allegany, Cattaraugus and Chautauque, praying for the incorporation of a bank, to be located at Geneseo, with a capital of $250,000, by the name and style of the Livingston County Bank, were severally read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of the inhabitants of the town of Romulus, praying for a division of said town, together with several remonstrances against the application, reported:

That they have had the petition and remonstrances under consideration; but inasmuch as no evidence is presented to the committee that the requisite notices have been given, they are of opinion that the prayer of the petitioners ought not to be granted. They therefore recommend the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Armstrong, from the committee on the erection and division of towns and counties, on the petition of sundry inhabitants of the town of Kirkland in the county of Oneida, praying for the division of that town, together with sundry remonstrances against the same, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Kirkland in the county of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Cayuga, praying for the incorporation of a company for the purpose of constructing a rail-road from the village of Auburn to Port Byron on the Erie canal, reported:

That citizens residing in the village of Auburn and its vicinity, are desirous of constructing a rail road from said village to the village of Port Byron, on the Erie canal, a distance of about seven miles. The committee feeling a disposition to recommend that encouragement should be given to improvements which will tend to bring forth the enterprise and activity of our citizens in improvements, which renders the conveniences of transporting the fruits of their industry to market, by every facility within the resources of man's invention. The practical operation and effect of the rail road system is not generally known to many of our citizens, it is but few years since the subject has been one of much inquiry, but so far as has been developed, is received with universal approbation of its future usefulness where the location is a suitable one for operations of that kind.

The rail road it is said, is of a simple structure, and its advantages are so manifest, that it is remarkable that it has not been sooner introduced into extensive use. The advantages which it possesses for giving an easy motion to heavily loaded carriages, arises from the even and unyielding surface of the iron-rail on which the wheels of the carriages travel. The committee in recommending this project, are governed by such explanations as to the location, as to believe it to be a proper one. It will be perceived, that although the most level route is the best suited to the rail road, an absolute level is not required, as in the case of a canal. In building the rail road, however. as in laying out a canal, it will be expedient to bring the line of the road as near to a level, by the choice of the route, as circumstances will admit. The question, as well as some others of less moment, in relation to the construction of the road, may be safely left to be determined, on more full inquiry and mature consideration, by those who may be entrusted with the execution of the work. It appears to the committee, that sufficient inducements should be held out to enlist in such works the enterprize of individuals who may be willing to secure the interests of the public, while at the same time have made a sufficient investment of capital for the successful completion of the enterprize.

The amount of property, as stated to the committee, transported from the village of Auburn to the Erie canal, is estimated to be about six thousand tons, which is now necessarily transported over a common road, sometimes attended with much delay and expense. It may also be proper to take into view the additional amount necessary for the use of the state prison at that place, which must of itself be a very important item in sustaining the interests of those who may invest their funds in this useful enterprize.

The benefits resulting from transporting property upon rail roads, over the ordinary roads, is easily to be foreseen, resulting from safety as well as depatch, where a country is similar situated to the one between the Erie canal and Port Byron. The committee believe the experiments should first be made, as it is but a short distance, and presents a fair compensation as to the expense of its construction, to its proprietors after completion.

The committee having lately seen a publication in relation to a new invention of a rail road waggon, and the test of its utility having been witnessed by competent judges, who became satisfied of its complete success, it is stated, that upon a well made level road, that a horse can pull thirty tons with great ease four miles an hour.

At a time when rail road improvements are projected on a large scale, in many of our sister states, the committee think the state of New-York should not

be backward in bringing to light the genius of her citizens to a successful trial of their skill, enterprize and ingenuity.

The committee are assured by respectable persons, that there can be no doubt as to the stock of the company being taken by persons possessing the means, and will prosecute the improvement until its final completion. They have therefore prepared a bill and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Port Byron and Auburn rail-road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the counties of Genesee, Cattaraugus, Erie and Chautauque, praying for the appointment of commissioners to lay out a certain road from Canadaway in the county of Chautauque, to Perry in the county of Genesee, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act to appoint commissioners to lay out a highway from Canadaway in the county of Chautauque, to Perry in the county of Genesee;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Randall, from the select committee to whom was referred the petition of Seth Wetmore, of the county of Montgomery, praying legislative aid in relation to a contract entered into by him with certain commissioners appointed under the act entitled "An act to lay out and improve a road from Chase's patent to Lake Pleasant, in the county of Montgomery," passed April 16th, 1825, reported:

That the following facts, as represented by the petitioner, appear to the committee to be substantially true:

In January, 1826, the petitioner contracted with the above mentioned commissioners to construct a road from Chase's patent to Lake Pleasant, through lands *then supposed* to belong to the state; a distance of about thirty-six miles, in the northerly part of Montgomery county. The consideration to be received by the petitioner for making and improving said road, as provided in the said act, was to be in lands, at the rate of 320 acres for every mile of road so constructed, and to be located by a designation of every alternate lot through which the said road was to pass. After the survey and location of the road, by the commissioners, was completed, it was discovered that the state had not title to all the lands through which the road was laid, and consequently, that the lands to be set apart to pay for constructing the same, could not be selected as was contemplated by the original act.

On a representation of these facts to the legislature, an amendment to the said act was passed April 14, 1827, authorising the surveyor-general to designate, for the purposes mentioned in the original act, other lands in a tract called the Oxbow tract. It also appears, that on the 25th day of January, 1826, and in July of the same year, the petitioner purchased of this state, at auction, 5,417 acres of land in the same Oxbow tract, in 28 several parcels, in lots No. 133, 148, 68, 139, 103, 71, 215, 153, 182, 158, 162, 160, 180, 147, 183, 142, 193, 73, 169, 141, 178, 145, 149, 164, 150, 175, 192, 222, at an aggregate of $1,517 03; of which the petitioner has paid, of principal, $237 17, and of interest, $95 80.

Fourteen miles of said road have been completed to the acceptance of the commissioners, as appears by their reports.

The petitioner asks the passage of a law authorising the surveyor-general to designate such portion of the lands purchased at auction as aforesaid, and not

paid for, to be patented to him, for completing said road, when the same shall be made and accepted, in lieu of other lands in the same Oxbow tract, which must otherwise be designated; and that he may be relieved from the further payment of money on such purchases.

The petitioner offers the following among other reasons, for making this application, to wit: The facilities which he has and is affording, by opening the road and introducing settlers on lands belonging to the state in that region of country, and the impulse which his efforts have given to sales of those lands, have been peculiarly beneficial to the state. Upwards of 30,000 acres of land have been sold in that vicinity by the surveyor-general, besides those purchased by the petitioner, since his contract for making the road above mentioned. He will not be able to sell his lands by lots, without a sacrifice, while the state lands can be purchased at their present appraised value. The changes which hove recently taken place in his private relations, and the pecuniary embarrassments in which he is involved, on account of those purchases, not only render it extremely doubtful whether he can be able to complete his contract for making the road, without the relief sought, but threatens him with utter ruin in his pecuniary circumstances.

He has paid nearly one-sixth part of the principal on those purchases, besides interest. There will be due the petitioner, when the road shall have been completed, about 7,400 acres of land. There remains of the lands under his purchase at auction, and unpaid for, 4,514 acres, at an average price of nearly 35½ cents per acre, leaving yet to be designated, in pursuance of the original act and the amendment thereto, about 2,886 acres of land.

The committee, after having examined the truth of the facts stated, and reasons offered, and having duly considered the same, are of opinion that the prayer of the petitioner is not an unreasonable one, and ought, under the circumstances, to be granted. They have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Randall, according to leave, brought in the said bill, entitled "An act for the relief of Seth Wetmore, in relation to his purchase of certain lands of this state, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. J. Hall, from the select committee to which was referred the memorial and resolutions of the board of supervisors of the county of Onondaga, reported:

That in pursuance of an act entitled "An act to authorise the erection of a new court-house and jail in the county of Onondaga," passed April 5th, 1828, the board of supervisors of said county have proceeded to fix a site for the said court-house and jail in the village of Syracuse, and have appointed a building committee, who have commenced the erection of the said building, and have nearly completed the jail: That by the act aforesaid, the said board was authorised to raise the sum of ten thousand dollars, to be expended in the erection of said buildings; which sum has in part been raised and expended: And that the said building committee have estimated the probable expense of completing said buildings, at fifteen thousand dollars in addition to the aforesaid sum of ten thousand; and that the said board of supervisors have petitioned for the passage of a law authorising and requiring the said board to borrow on the credit of the county, a sum not exceeding fifteen thousand dollars, for the purpose of completing the said court-house and jail; and that they be authorised to cause the same to be assessed, levied and collected, by such instalments, and at such times, as the said board shall deem expedient.

The committee are of opinion, that from the representation of the said board of supervisors, it would be proper to pass a law, authorising the said board to raise the sum of ten thousand dollars, to be laid out and expended in complet-

ing thecourt-house and jail in said county; and have prepared a bill, which they ask leave to present.

Ordered, That leave be given to bring in such bill.

Mr. J. Hall, according to leave, brought in the said bill, entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and jail in said county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Norton, from the select committee to which was committed the bill entitled "An act authorising a loan to the Rochester high school," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Edgerton, which was again read, in the words following, to wit:

Resolved, (if the Senate concur herein,) That this Legislature will, on the 14th instant, at 12 o'clock at noon, proceed to the choice of a secretary of state, treasurer, surveyor-general, commissary-general, and one regent of the university of this state.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate, and request their concurrence in the same.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE SENATE AND ASSEMBLY.

GENTLEMEN—

I have the honor to communicate to you the annual report of the Governors of the New-York Hospital.

MARTIN VAN BUREN.

Albany, 12*th February*, 1829.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK, IN SENATE AND ASSEMBLY CONVENED.

The Governors of the New-York Hospital, respectfully report:

That during the year 1828, there have been 1,805 patients admitted into the hospital; and with the 187 patients remaining on the 31st December, 1827, make the number of 1,992 patients, who have received the benefit of the institution during the year 1828.

Of that number, 1,376 patients have been cured, 123 relieved, 56 have been discharged at their own request, or that of their friends, and 31 as improper objects; 25 have eloped or been discharged as disorderly, 193 have died, and 188 remained on the 31st day of December last.

The above number is exclusive of 134 maniac patients, admitted into the Bloomingdale Asylum; and together with those that remained there on the 31st December, 1827, amount to 219 lunatic patients, who have received the benefit of the asylum, during the year 1828.

Of those patients, 59 have been discharged cured, 8 as being much improved, 21 as being improved, 28 discharged at the request of their friends, though not improved, 13 have died, 1 has eloped, and 89 remained on the 31st day of December last.

The amount of expenditures (exclusive of the Bloomingdale asylum) for the year 1828, has been $24,026.54. The $12,500 allowed by the state, the sums received from the United States for the care of sick and disabled seamen, from pay patients, and from other sources, amounted to $29,160.97, leaving a balance in favor of the hospital of $5,134.43.

The expenditures for the support of the Bloomingdale asylum during the last year, have been $17,475.86; the amount received and due for board during the same period, is $18,114.59, leaving a balance of $638.73, in favor of the asylum; and which balance being deducted from the balance against the asylum on the 31st December 1827, amounting to $4,391.79, leave a balance against the asylum of $3,753.06, not including the out-standing debts for board still to be collected.

The debt incurred for the asylum amounting to $141,227.85, has not been reduced during the last year, but the sinking fund formed for the purpose of reducing it, has been increased to $19,173.42.

The institution unremittingly proves to be a great public blessing, by the relief it affords to much individual sickness and painful suffering. It is a charitable foundation of indispensible and eminent utility, and has unshaken claims to the continued and liberal patronage of the state.

PETER AUGUSTUS JAY, *President.*

ROBERT J. MURRAY, *Secretary.*

New-York, February 3d, 1829.

[*For pages* 420 *to* 428 *inclusive, see* Table, (Sig. R.)]

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ACCOUNT

Of Patients Admitted into and Discharged from the New-York Hospital, and their Disease, during the year 1828.

DISEASES.	ADMITTED.			DISCHARGED.								NATIVITY OF PATIENTS.																					
	Remaining December 31, 1827.	Admitted 1828.	Total.	Cured.	Relieved.	Request.	Improper objects.	Disorderly.	Eloped.	Died.	Total discharged and died.	Remaining December 31, 1828.	America.	Africa.	Denmark.	East-Indies.	England.	France.	Germany.	Holland.	Ireland.	Italy.	Norway.	Portugal.	Prussia.	Russia.	Scotland.	Spain.	Sweden.	Wales.	West-Indies.	At sea.
Abscessus,	2	13	15	11	....	1	..	..	..	1	13	2	8	..	..	..	2	..	1	..	4	..	..	..	..	..	..	..	..	..	..	..
Amaurosis,	....	1	1	....	....	1	..	..	..	....	1	....	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Amenorrhœa,	1	3	4	4	....	..	..	..	..	....	4	....	2	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Aneurismus,	....	....	....	....	....	..	..	..	..	....	....	....	....	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Apoplexia,	....	12	12	1	....	..	..	..	..	11	12	....	6	..	..	..	4	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..
Asthenia,	2	14	16	1	2	..	..	..	..	11	14	2	11	..	..	..	1	..	..	..	3	..	..	..	..	..	..	..	..	1	..	..
Bronchitis,	4	4	8	6	....	..	..	..	..	1	7	1	6	..	..	..	1	1	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Caries,	....	1	1	....	....	..	..	..	..	....	....	1	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Carcinoma,	....	2	2	1	....	..	..	..	..	....	1	1	1	..	..	..	....	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Cataract,	....	1	1	....	....	..	..	..	..	....	....	1	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Cephalalgia,	1	7	8	5	1	..	..	..	..	....	6	2	2	..	..	..	2	..	..	..	3	..	..	..	..	..	..	..	..	1	..	..
Cholera,	....	4	4	3	....	..	..	..	..	....	3	1	2	..	..	..	....	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Colica pictonum,	....	18	18	17	1	..	..	..	..	....	18	....	9	..	..	..	....	1	..	..	5	..	..	..	1	..	..	..	..	2	..	..
Constipatio,	1	24	25	24	....	..	..	..	..	1	25	....	11	..	..	..	3	..	1	..	9	..	..	..	..	..	..	..	..	1	..	..
Contusio,	4	84	88	78	1	1	..	1	1	....	82	6	43	..	..	..	9	1	1	2	21	1	1	..	1	1	2	1	1	2	1	..
Cutanei,	4	27	31	27	1	1	..	..	..	....	29	2	17	..	1	1	3	..	2	..	5	..	..	..	..	1	1	..	..	..	..	..
Delirium a potu,	....	43	43	26	....	..	1	..	..	14	41	2	31	..	..	..	2	1	1	1	6	..	..	..	..	..	1	..	..	..	..	..
Diarrhœa,	....	19	19	11	1	..	..	..	..	4	16	3	11	..	..	..	1	..	..	..	4	..	..	..	..	..	1	1	..	..	1	..
Dislocatio,	2	10	12	8	1	1	..	..	..	....	10	2	....	..	1	..	2	1	1	..	5	..	..	..	..	..	1	..	..	..	1	..
Dysenteria,	4	39	43	34	1	..	..	..	1	5	41	2	26	1	..	..	5	..	..	..	8	..	..	..	1	..	1	..	1	..	..	..
Enteritis,	2	3	5	4	1	..	..	..	..	....	5	....	2	..	..	..	1	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Epistaxis,	....	1	1	....	....	..	..	..	..	1	1	....	....	..	..	..	....	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Epilepsy,	....	4	4	2	....	..	2	..	..	....	4	....	2	..	..	..	....	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Erysipelas,	3	20	23	12	....	..	..	..	..	6	18	5	14	..	..	..	....	..	1	..	5	..	..	..	1	..	..	1	..	1	..	..
Febres,	34	377	411	337	7	5	3	1	..	38	391	20	203	..	3	1	31	5	7	4	116	2	3	2	3	2	6	4	8	5	4	2
Fistula,	....	12	12	6	1	1	..	1	..	....	9	3	5	..	..	..	....	1	..	..	3	..	1	..	1	..	..	..	1	..	..	..	..
Fractura,	12	57	69	36	6	2	2	..	..	8	54	15	27	..	..	..	6	..	..	..	33	..	..	..	..	..	1	..	1	1	..	..
Hæmetemesis,	....	1	1	....	....	..	..	..	1	....	1	....	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Hæmoptysis,	1	11	12	8	....	..	..	..	..	4	12	....	6	..	..	1	1	..	..	..	4	..	..	..	..	..	..	..	..	..	..	..
Hæmorrhois,	2	10	12	9	1	..	..	..	..	....	10	2	9	1	..	..	....	..	..	..	1	..	..	..	..	..	..	..	..	1	..	..
Hepatitis,	2	18	20	12	....	1	..	..	..	4	17	3	14	..	..	..	1	..	..	..	2	..	..	..	..	1	1	1	..	..	..	..
Hernia,	....	5	5	2	3	..	..	..	..	....	5	....	4	..	..	..	1	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Hydarthrus,	1	8	9	5	2	1	..	..	..	....	8	1	4	..	..	..	1	..	..	..	3	..	..	..	..	..	..	1	..	..	..	..
Hydrocele,	....	6	6	4	....	2	..	..	..	....	6	....	4	..	..	..	....	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Hydrops,	3	42	45	21	2	2	1	..	..	13	39	6	26	..	..	..	3	..	..	1	15	..	..	..	..	..	..	..	..	..	..	..
Hydrothorax,	....	6	6	....	....	..	..	..	..	6	6	....	5	..	..	..	1	..	..	..	....	..	..	..	..	..	..	1	..	..	..	..
Hysteria,	....	1	1	....	....	..	..	..	..	....	....	1	....	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Icterus,	1	7	8	4	1	..	..	..	..	1	6	2	6	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Menorrhagia,	....	1	1	1	....	..	..	..	..	....	1	....	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Necrosis,	1	3	4	1	....	1	..	..	..	....	2	2	3	..	..	..	....	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Nephritis,	....	3	3	1	2	..	..	..	..	....	3	....	2	..	..	..	1	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Ophthalmia,	1	18	19	13	3	..	..	..	..	....	16	3	7	..	..	..	3	..	1	..	7	..	..	..	..	..	1	..	..	..	..	..
Orchitis,	....	14	14	12	....	1	..	1	..	....	14	....	8	..	..	..	....	..	2	..	3	..	..	1	..	..	..	..	..	..	..	..
Otitis,	....	4	4	4	....	..	..	..	..	....	4	....	3	..	..	..	....	..	1	..	....	..	..	..	..	..	..	..	..	..	..	..
Paralysis,	2	18	20	6	6	1	2	..	..	4	19	1	10	..	..	..	1	..	1	..	8	..	..	..	..	..	..	..	..	..	..	..
Paronychia,	....	1	1	1	....	..	..	..	..	....	1	....	1	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Pernio,	3	7	10	8	....	..	1	..	..	....	9	1	7	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	3
Phthisis pulmonalis,	1	39	40	2	5	3	..	..	..	25	35	5	28	..	..	..	2	..	..	..	6	..	..	1	..	1	..	1	1	..	..	..
Pleuritis,	....	12	12	9	1	..	..	..	..	2	12	....	9	..	..	..	....	..	..	..	2	..	..	..	..	..	..	..	..	..	1	..
Phlegmon,	....	2	2	2	....	..	..	..	..	....	2	....	....	..	..	..	1	..	..	..	....	..	..	..	..	..	1	..	..	..	..	..
Pneumonia,	13	126	139	86	11	6	4	1	1	17	126	13	89	..	1	..	8	4	2	1	22	2	1	..	1	..	3	1	2	..	2	..
Ptyalismus,	1	3	4	3	....	..	1	..	..	....	4	....	2	..	..	..	....	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..
Rheumatismus,	21	160	181	135	18	2	5	2	1	....	163	18	115	..	3	..	13	2	3	1	31	1	1	1	1	1	2	1	1	1	2	1
Scrophula,	....	5	5	....	1	3	..	..	..	....	4	1	5	..	..	..	....	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..
Sphacelus,	....	3	3	....	....	..	..	..	..	3	3	....	2	..	..	..	....	..	..	..	....	1	..	..	..	..	..	..	..	..	..	..
Strictura,	3	23	26	11	8	3	1	..	..	2	25	1	14	..	..	..	5	1	..	..	4	..	..	..	..	..	..	..	1	..	1	..
Splenitis,	....	5	5	4	....	..	..	..	..	....	4	1	4	..	..	..	....	..	1	..	....	..	..	..	..	..	..	..	..	..	..	..
Syphilis,	27	185	212	157	14	7	2	6	3	....	189	23	152	..	1	..	19	1	2	3	22	..	2	1	1	..	1	2	3	..	1	1
Tetanus,	....	3	3	....	....	..	..	..	..	3	3	....	1	..	..	..	....	..	1	..	....	..	..	..	..	..	..	..	1	..	..	..
Tonsillitis,	2	9	11	9	....	..	..	..	..	1	10	1	7	..	..	..	2	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
Tumor,	1	10	11	6	....	1	2	..	..	1	10	1	6	..	..	..	1	..	1	..	1	..	..	..	..	1	..	..	1	..	..	..
Ulcus,	18	155	173	116	18	7	3	2	1	....	147	26	101	..	1	..	13	1	3	2	42	..	1	..	..	1	2	2	3	1	..	..
Urethritis,	1	18	19	16	1	1	..	..	1	....	19	....	12	..	..	..	2	..	..	..	4	..	..	..	..	..	..	..	..	..	1	..
Ustio,	2	7	9	7	1	..	..	..	..	....	8	1	3	..	..	..	3	..	..	..	2	..	..	..	..	..	..	..	..	1	..	..
Vulnus,	4	56	60	47	1	1	1	..	..	6	56	4	29	..	..	..	4	1	2	..	20	..	..	..	..	1	..	1	1	..	1	..
	187	1805	1992	1376	123	56	31	15	10	193	1804	188	1142	2	11	3	161	21	36	16	446	7	10	7	11	11	25	18	29	13	19	4

[*Sig R.*]

RECAPITULATION.

Remaining 31 December, 1827,	Pay patients in the hospital, including United States' seamen,	101	
	Paupers,	86	
			187
Admitted from 31 December, 1827, to 31 December 1828,	Pay patients in the hospital, including United States' seamen,	1068	
	Paupers,	737	
			1805
			1992
Discharged in 1828,	Cured,	1376	
	Relieved,	123	
	Request,	56	
	Improper objects,	31	
	Disorderly and eloped,	25	
	Died,	193	
			1804
Remaining December 31, 1828,	Pay patients in the hospital, including United States' seamen,	110	
	Paupers,	78	
			188
			1992

NATIVES OF THE FOLLOWING PLACES:

America,	1142
Africa,	2
Denmark,	11
East Indies,	3
England,	161
France,	21
Germany,	36
Holland,	16
Ireland,	446
Italy,	7
Norway,	10
Portugal,	7
Prussia,	11
Russia,	11
Scotland,	25
Spain,	18
Sweden,	29
Wales,	13
West-Indies,	19
At sea	4
Total,	1992

Ordered, That the said communication be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

Mr. Brown gave notice that he would, on some future day, ask leave to introduce a bill, to authorise the sale of the town poor-house and farm of the town of Mount-Pleasant in the county of Westchester.

On motion of Mr. Edgerton,

Resolved, That the committee on expiring laws be directed to inquire into the expediency of repealing all laws authorising the sale of lottery tickets; and to ascertain (if practicable) what sums are due to the institutions, or their agents, for whose benefit such lotteries were granted; and to report their opinions upon the expediency of making provision for the payment of such sums as may be due to said institutions, or their agents, out of the treasury of this state.

On motion of Mr. Johnson,

Resolved, That the canal commissioners be, and they are hereby requested to report to this house, how great a reduction is necessary to bring the waters of the Seneca lake at their natural level, to a level with the outlet, or the body of water between the lake and the reef at Waterloo; whether such reduction can be made, without endangering a full supply of water for the navigation of the Cayuga and Seneca canal; if so reduced, will it be necessary to deepen any part of the canal already constructed; if necessary, to what depth beyond the present bottom; and what will be the probable expense of such deepening, and of the excavation necessary to be made for the purpose of reducing the waters of the lake to such level; and what effect would it have upon the navigation, during the approaching season; and what effect it would have upon the hydraulic privileges at Waterloo.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition of sundry persons residing at and near the head of the Seneca lake, praying for the passage of a law directing the canal commissioners to reduce the waters of said lake to a level with its outlet, and that the said petition be referred to the canal commissioners.

Ordered, That the usual number of copies of the report of the committee on privileges and elections, to which was recommitted their report and resolutions on the petition of Harvey Granger, together with the petition of the inspectors of elections of the town of Greenfield in the county of Saratoga, and the documents accompanying the same, be printed for the use of the legislature.

[*For the Documents here alluded to, see* Appendix D.]

A communication from Silas Wright junior, was read, in the words following, to wit:

Albany, February 11, 1829.

SIR,

I have received the resolutions of the Senate and Assembly, appointing me to the office of comptroller of this state.

Permit me, sir, through you, to signify to the Assembly my acceptance of that appointment, and to express to that body my grateful acknowledgments for this distinguished mark of their confidence.

I have the honor to be,
With great respect,
Your obedient servant,
SILAS WRIGHT, Jr.

To the Hon. Peter Robinson,
Speaker of the Assembly.

The annual report of Israel Sloan junior, an inspector of beef and pork for the county of Onondaga, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The report of the subscriber, inspector of beef and pork for the county of Onondaga, respectfully sheweth the following to be the quantity of beef and pork inspected by him, during that part of the year 1828 in which he has officiated in said office, being from the 15th day of May 1828, viz:

1st. Pork.	887	barrels of	prime pork.
	280	"	mess do
	22	"	cargo do
2d. Beef.	322	"	prime beef.
	120	"	mess do
	6	"	cargo do
In all, ...	1,637	barrels.	

My fees for inspecting the same, have been as follows, to wit, 15 cents per barrel,..... $245 55

The value of the said articles by me inspected during the said year as aforesaid, have been, as nearly as I can estimate them, as follows, viz:

887	barrels of	prime pork, at	$9,.....	$7,983	00
280	"	mess do	14,.....	3,920	00
22	"	cargo do	6,.....	132	00
322	"	prime beef,	6,.....	1,932	00
120	"	mess do	8,.....	960	00
6	"	cargo do	4,.....	24	00
				$14,951	00

ISRAEL SLOAN, Jun.

Dated at Pompey, this 26th day of January, 1829.

Ordered, That the said report be laid upon the table.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, in obedience to the resolution of the Honorable Assembly of the 21st ultimo, referring to them the petition of the inhabitants of the town of Utica, praying for the reduction of the waters of the Oneida lake,

and for other purposes; and requesting their "opinion of the practicability and feasibility of lowering said lake by cutting down the outlet thereof, and the making said outlet or river navigable, as set forth in said petition, with their opinion of the probable expense; and that they report their views of the effect of this improvement on the canal revenues, and as to giving increased value to lands adjoining said lake;" report:

That in reference to the question of the practicability of lowering the lake, and of improving the navigation of its outlet, it is proper to remark, that the surveys and examinations which the commissioners were authorised to make by an act of the last legislature, with a view of the accomplishment of their objects, have not been performed. Several appointments for this purpose were made by one of the commissioners during the summer; but the intervention of flood, and the continuance of high water, rendered it necessary to postpone this service to a more favorable season. The commissioners are therefore destitute of information derived from their personal observation, or from the surveys of any engineer acting under their authority: And the only information which they have on the subject, which can be deemed official, is from the report of James Geddes, esquire, to the surveyor-general, in 1809, which will be found in the first volume of Canal documents, at page 14; who very briefly remarks, that "the rapid at the west end of the Oneida lake falls not quite 18 inches, and there is something over a foot more fall to the Caughanoy reef, making only 30 inches, that the Oneida lake can be lowered very easily." To this extent, it would seem Mr. Geddes supposed the lake could be lowered without much expense; and we should infer from his language, that it is practicable to lower it still more, but not without considerable cost and difficulty. From the same report, we learn that the fall from the lake to Three-river point, where the outlet connects with the Oswego river, is twelve and a half feet. After cutting down the reef near the lake, the erection of one or two dams, and the same number of locks, would, we apprehend, accomplish the objeet of the petitioners. But without some information as to the extent and character of the excavation required in the bed of the outlet, and of the places most suitable for the location of the dams and locks, we are unable to estimate their probable cost.

The commissioners do not apprehend that the effect of the improvement would be injurious to the canal revenue, unless it should occasion a diversion of business from that part of the Erie canal lying parallel with the Oneida lake, and from the navigation above Three-river point on the Oswego canal. From Three-river point, it would be practicable for loaded boats to pass up the outlet, and through the Oneida lake, to the mouth of Oneida creek, and within three or four miles of the Erie canal. The distance on this route would be 18 miles through the outlet, 20 across the lake, and 4 to the Erie canal, making the whole distance 42 miles. If a canal were to be constructed between the lake and the Erie canal, it would require a lockage of 54 feet. The distance from Three-river point, on the present navigation, by the way of Salina, to the place where the lake route would intersect it, would be about 50 miles, with an amount of lockage precisely the same as that on the other route. This route, although eight miles the longest, would have the advantage of an uninterrupted towing path, and a safe navigation in all weather; and boats would generally prefer this route, on account of the freight and passengers which they would obtain at the many important villages and landing places which are situated upon it. On the lake route, steam-boats must be exchanged for horse power, to tow the canal boats between Three-river point and the easterly side of Oneida lake, during boisterous weather; and in heavy swells, boats could not be towed in safety, and would be subjected to frequent and injurious detention. And were a connection made between the Erie canal and the lake, as well as the improvement in the outlet now asked for by the petitioners, we are inclined to believe that less business would be diverted from the present navigation, than would be created and brought upon it, by opening a navigable communication with the extensive country lying around the Oneida lake, and along the shores of its outlet, by reclaiming its low lands, and rendering habitable and healthful extensive tracts now uncultivated.

Judging from the beneficial effects which have resulted from the lowering of the Onondaga lake, the canal commissioners are of opinion that the lands adjoining these waters would be enhanced in value, and the health of the surrounding country would be greatly promoted, by permitting the petitioners to reduce the surface of the lake, in the manner and under the restrictions set forth in their petition.

SAMUEL YOUNG,
HENRY SEYMOUR,
WILLIAM C. BOUCK.

Albany, February 10, 1829.

Ordered, That the said communication, together with the documents accompanying the same, be referred to a select committee, consisting of Mr. Savage, Mr. Falley and Mr. Mathews.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act directing the manner of choosing electors of president and vice-president;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Skinner, Mr. T. L. Smith and Mr. Judd, to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for establishing an additional clerk's office of the supreme court in the village of Canandaigua in the county of Ontario," and find the same correctly engrossed.

The said engrossed bill, entitled "An act for establishing an additional clerk's office of the supreme court in the village of Canandaigua in the county of Ontario," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the resolution relating to the abolition of slavery in the district of Columbia; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until ten o'clock to-morrow morning.

FRIDAY, FEBRUARY 13, 1829.

The House met pursuant to adjournment.

The petition of Gershom Morse and others, inhabitants of the county of Cayuga, praying for an act of incorporation, for the purpose of constructing a canal from the Owasco lake, on the most feasible route to the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of the Union society of the city of New-York, praying for the passage of an act of incorporation for charitable purposes, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of the president, directors and company of the Albany and Greene turnpike road company, praying for an amendment of their charter, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of John E. Southworth, of the city of New-York, praying for an alteration of the existing law regulating the proving of domestic spirits, was read, and referred to the committee on trade and manufactures.

The petition of Felix D. Fitzsimmons and Ann M'Manus, severally praying that they may be permitted to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of Obadiah Densmore and Isaac Stivers, praying for the passage of an act directing an extra allowance to be made to them for excavating a part of section number 15 of the Champlain canal, was read, and referred to the canal board.

The petition of Henry D. Grove, an alien, praying for the passage of an act authorising him to purchase, take, hold, and convey real estate, was read, and referred to the committee on the petitions of aliens.

Sundry remonstrances against the application of the First Great Southwestern turnpike road company for relief, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the towns of Byron and Stafford in the county of Genesee, against raising money by tax for the support of roads and bridges, and a petition for the passage of an act directing that notice of applications for that purpose be served on the board of supervisors, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the president, directors and company of the Montezuma turnpike and bridge company, praying an amendment of their act of incorporation, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry mechanics, builders and others, of the village of Catskill, praying for the passage of an act giving them a lien on buildings erected by them, the better to secure to them remuneration for their labor and materials, was read, and referred to the select committee on that subject, of which Mr. Burt is chairman.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, reported:

That they have bestowed upon the subjects submitted to them for consideration, their most deliberate attention; subjects which, from the great and engrossing magnitude of the questions they involve, demand at our hands to be considered, in the language of his excellency the governor, "as the important business of the session." No questions, in the opinion of the committee, possess, at the present crisis, so direct and so vital a connection with the best interests of this community, as the questions now agitated in relation to banks. So momentous are these questions, and so tremendous will be the consequences of an erroneous decision of them, that the reflecting and the patriotic portion

of our constituents are watching our deliberations with the most anxious solicitude. Hence it will be perceived how great and how fearful must be the responsibility of this legislature, and how imperious must be their duty to discard every interested consideration—to rise superior to every geographical predilection—and to move firmly and independently forward to the discharge of that high and elevated duty which the representative character imposes upon them.

The committee, deeply sensible of the magnitude of the subjects which it became their duty to consider, proceeded to the performance of the task assigned them, with feelings of the greatest distrust. They were aware of the difficulties and embarrassments by which these subjects were encompassed. They were aware of the great sensitiveness which pervaded the minds of many of those who were more directly interested in the questions which the committee were called upon to decide. The committee also conceived that there might perhaps be entertained by the numerous applicants for renewals of existing charters, and for new incorporations, some little jealousy of each other; or at least considerable zeal in behalf of their favorite applications. The committee therefore approached these perplexing questions with great caution, and with feelings of an impartial character, and with single intentions to advance the great interests of the community; relying with implicit confidence upon the liberality and magnanimity of this house, to give credit to the rectitude of their intentions, if they did not accord in all respects with the result of their deliberations.

The committee are convinced that community expect from us at the present session, a final disposition of the vexed questions in relation to banks; and that that community will not acquit us from the charge of a want of patriotism, unless we sacrifice personal preferences and individual views upon the altar of the general weal. The committee were necessarily and unavoidably prevented from sooner presenting their views to the house, in consequence of not being possessed of the details of the plan in relation to banks, which was adverted to in the message of his excellency the governor. That plan has, within a few days past, been submitted to the committee; and they have industriously devoted themselves to its consideratiou, in connection with other subjects embraced within the sphere of their duties.

Inasmuch as there are some few among our constituents, who entertain feelings of hostility to the whole banking system, believing it to be an engine of speculation, it may not be unprofitable concisely to glance at its advantages to commercial communities. Banks have successively been introduced in Italy, Germany, Holland, England, Scotland, France, and the United States: and the experiment in all these countries proves incontestibly that the system of banking renders almost infinite aids to trade and industry, to the administration of the finances of the government, and to the whole system of political economy.

The inconvenience, risk, and danger attending the transmission of coin from one quarter of the world to another, together with its inadequacy to supply the necessities of society, led to the introduction, first, of bills of exchange, and afterwards to a general system of paper credit in the form of promissory notes payable on demand, which is the system of banking; in which form, paper now renders the service which otherwise would be performed by a metallic currency. Gold and silver, however, still remain as a measure of value, and the medium of exchange. They are still the only circulating medium common to all nations. Paper money, as a medium of circulation, acts only as the representative of coin by which its value is regulated. This system of paper credit has now become indispensable to all commercial countries. It is the most powerful agent known to the world, in generating the prosperity and wealth of a nation. In great exigencies, it, by its timely assistance, often delivers governments from embarrassments and danger. It increases the active capital of a country, which extends labour and industry, and therefore creates a greater quantity of the products of both; and by producing more commodities for exportation, accomplishes a favorable balance of trade, and the introduction and increase of gold and silver.

Although the wealth of a nation is not to be measured by the amount of the precious metals it possesses, but by the quantity of the productions of its labor and industry, yet gold and silver deposited in banks become the basis of an extended paper circulation, which, as to all objects of commerce, is a *positive* increase of capital. Banks, by supplying an adequate circulating medium, place it within the power of the industrious to obtain that portion of the currency of the country which his wants demand, and enable honest and industrious men of small capital to commence and prosecute business to the benefit of themselves and of community. They also have a powerful agency in diminishing the rate of interest; and by supplying the place of the metals, enable government to discharge with them its foreign debts. Banks, in this country, have been productive of the greatest advantages. They, together with the powerful influence of free institutions, have been the great instrument in advancing this republic to its present exalted eminence of wealth and power. They have developed the resources, and called into action the energies, of this enterprising people. Without their invigorating influence upon commerce, agriculture and manufactures, the merchant would not have been able to purchase, nor the farmer to sell, the products of the soil; the goods of the manufacturer would have remained upon his hands; and instead of that wealth, industry and power, which now meets the eye in every department of this republic, we should have beheld nothing but poverty, inertness and distress.

A free government is peculiarly adapted to the prosperous existence of banking institutions. There the hand of tyranny is never stretched out to divert their funds, or to pervert them from the legitimate objects of their establishment. To make these institutions productive of the greatest advantages to a country, they must be established upon liberal principles. They will not flourish under the blighting mildew of tyranny, nor under shackles and restrictions. The security of the public must depend upon the capital paid in, and upon the fair character and integrity of the stockholders.

The great fundamental principle of banking, is the convertibility of paper into coin, at the will of the holder; and upon this depends the whole success of the system of paper credit. The precious metals are the only circulating medium common to all nations. Whatever, in any particular country, is used as a representative of coin, must be capable of being turned into it at the will of the holder, or this representative ceases to be of the value of that which it represents. No solidity of capital, or solvency of a banking institution, can sustain paper at the value of coin, any longer than it pays gold and silver for it on demand. Whenever paper ceases to be convertible into coin at the will of the holder, it immediately suffers a depreciation which always results in the rise of specie, and of all commodities, and an unfavorable balance of trade, together with all the distresses and embarrassments inseparable from such a state of things. These facts show the vital importance of preserving inviolable this fundamental principle of the system of banking, and to guard against every cause which has a tendency to destroy it. Excessive issues of paper by banks, beyond their power of redemption, is the great evil to be apprehended, as most directly interfering with this fundamental principle. The credit of the paper always depends upon the ability of the bank to pay specie for it on demand. Excessive issues of paper, by placing it beyond the power of the bank to redeem it, not only destroy the credit of the paper, but produce a forced and sickly circulation, the derangement of commerce, and the distress and ruin of the citizen.

So deeply convinced are the committee of the vital importance to the welfare of this community, of preventing the excessive issues of paper by banks, to which the desire of profit often tempts them, that the committee recommend an alteration of the existing law, so as to restrain banks from having, at any one time, in circulation, notes to an amount exceeding twice their capital stock paid in.

The committee conceive, from the foregoing remarks, it will be clearly perceived that the principle recently suggested, of investing the capital of a bank in stocks or in bonds and mortgages, cannot with safety be introduced into the

banking system of this country; inasmuch as it would not be practicable to convert these securities into coin with that facility which is necessary to a prompt redemption of the paper issued by the bank. And where the capital is so invested, if on sudden emergencies specie was wanted to meet a run upon the bank, it would be found that the conversion of the capital stock into coin could not be accomplished, except at a great sacrifice, which would cripple if it did not wholly destroy the institution. And if it were contemplated, not to make the notes payable in coin in order to establish this principle, it would be nothing else but a repetition of the system of paper emissions, which have always proved disastrous, and are now universally exploded. The solvency of a bank, and the solidity of its paper, is not produced by locking up its capital in such a manner as to render impracticable its convertibility into coin; but by giving the bank the free use of its capital, and by restricting within a safe limit the amount of its issues.

The committee are profoundly impressed with the importance of the present interesting crisis—a crisis, perhaps, more momentous in its character, than any which has occurred since the formation of the national government. The system of banking has become so firmly established, and is so intimately connected with, and so necessary to the vital interests of this community, that it would be disastrous beyond conception to abolish it; and it is even extremely hazardous to alter its principles, for fear we may derange some part of the great commercial machine, which has adapted itself to the existing system. Most of the existing bank charters will expire in one, two, three and four years from this time. It is therefore all important, at this session of the legislature, to make a final disposition of this interesting subject. Such a disposition from us is the universal expectation of community; and we are called upon by every consideration of duty, and the public interest, to quiet the apprehensions of our constituents, by acting promptly upon this great and engrossing question.

At a juncture like the present, as might have been expected, a variety of plans have been proposed, to establish the system of banking upon new principles. It appears to be conceded, that the system itself is not to be abandoned; and the plan of a state bank with branches, for the most obvious reasons, is wholly inadmissible. All experience shows that government or financial banks always abuse the trust confided to them. In pressing emergencies, they never fail to extend the paper emissions beyond the proper limit, to the destruction of their own credit, the ruin of public affairs, and the sacrifice of private property. All the authority of a government cannot impart to mere paper the quality of money. This quality can only be acquired by being based upon commercial credit, and by being convertible into coin at the will of the holder. The only question, therefore, remaining for us to dispose of, is, whether the existing bank charters shall be continued, or shall be left to wind up their concerns, and new incorporations alone to be granted; or whether the present bank charters shall be continued, and also some new banks created, upon such sound principles, and with such wholesome restrictions, as the wisdom of the legislature may devise. The latter alternative appears to be the one called for, by not only public opinion, but also by the public interest.

As to the principles upon which the old charters ought to be renewed, and new incorporations created, the committee believe with his excellency the governor, that "they should refer exclusively to the safety and stability of the institutions." And that "in all our deliberations on this subject, we should keep constantly in view the important consideration, that the solvency of the banks, and the consequent stability of their paper, is the principal and almost the only point in which the public has much interest."

The great effort heretofore, has been to impose such restrictions, (among which the most prominent has been the one of the personal liability of the stockholders,) as will effectually protect community from losses by the failure of banks. These restrictions have been objected to, upon the ground that they would defeat the very object had in view—that of the security of community; that they would have the certain effect to drive men of capital and integrity from the banks, and would throw the stock into the hands of irresponsible men

and of speculators, who would be not only destitute of property, but of character; and that the creditor of the institution would be defrauded of his entire debt.

The great importance of devising some plan, and of digesting some system which would furnish to community an ample security against losses from the failure of banks, prompted the committee to bestow an attentive consideration upon the plan to accomplish this object, alluded to in the message of his excellency the governor. And the committee flatter themselves that something can be formed out of it, which will effectually indemnify the bill-holder from every possible loss that can in any event be sustained by the insolvency of banks. If the committee are correct in their opinion on this subject, the contest about restrictions, heretofore waged so warmly both in and out of this house, will be forever at rest. The existing laws, (18th chap. 1st part of Revised Statutes,) although they contain many valuable and inestimable provisions, which correct most of the abuses which have hitherto existed in the management of banks, and which undoubtedly will prevent many of those flagrant frauds which have sometimes been perpetrated upon the stockholders and creditors of these institutions; yet these laws do not afford to the creditors of the bank such a certain and perfect security from losses, as is placed beyond all contingency.

The 18th chapter of the first part of the Revised Statutes, provides many highly salutary restrictions upon monied corporations. They, among other provisions, require all the capital stock to be actually paid in. They interdict a reduction of the capital, and its being withdrawn by the stockholders. They prohibit loans being made to the directors, beyond a specified amount. They render void all conveyances and assignments of the real estate and effects of the corporation, not authorised by the board of directors, and also all conveyances and payments by corporations when insolvent, or in contemplation of insolvency; and every director who violates any of these provisions, is subject to fine and imprisonment, and is rendered personally liable to the creditors and stockholders to the full extent of the loss sustained by such violation. And in every case of fraudulent insolvency, the directors by whose acts it was occasioned, are also rendered personally liable; and after the property of the directors and the effects of the corporation are exhausted, the stockholders are made responsible for the deficiency. Gross negligence in the management of the business of the corporation, is declared fraudulent; and the directors and stockholders are required to repel, by proof, the presumption of fraud.

It will be seen that these provisions, although they furnish valuable safeguards to the public against the failure of banks; yet, while on the one hand they do not provide a security perfect in its nature, not extending to the case of an innocent insolvency; on the other hand, the banks complain of the provision rendering the stockholders personally liable for an insolvency, caused by the misconduct of the directors; and also of the provision requiring the directors and stockholders to repel, by proof, the presumption of fraud, which the law infers from mere negligence in the administration of the affairs of the company.

These two last mentioned provisions are objected to, as injurious to the prosperity and solvency of the banking institutions, having a tendency to drive men of capital and integrity from not only the direction, but altogether from the institutions. And inasmuch as the bill the committee intend to ask leave to introduce, creates a perfect security to community, these provisions in the existing law, so strenuously objected to, will become unnecessary. The committee therefore recommend their repeal.

It will be perceived, then, that by the existing laws, the creditors had not any certain security against losses from the failure of banks; and that the security proposed, that of the personal liability of the stockholders, was one which was apprehended would prove wholly ineffectual, if not disastrous to community. It was, therefore, an object of great desire, to digest some plan, which, while it avoided the objections urged against the principle of personal liability, would accomplish the complete indemnity of the bill-holder from all losses from the failure of any monied corporation. The attainment of such an object, would

satisfy the demands of community, and would gratify the ardent wishes of patriotism.

The loss by the insolvency of banks, generally falls upon the farmer, the mechanic and the laborer, who are least acquainted with the condition of banks, and who, of all others, are most illy able either to guard against or to sustain a loss by their failure. The protection and security of this valuable portion of our population, demands from us, in their favor, our most untiring exertions; and our time and talents cannot be more beneficially employed, than when we are legislating for their indemnity.

The committee, therefore, under the hope of accomplishing an end so much to be desired, as that of securing the community against all losses from monied corporations, bestowed their undivided and deliberate attention upon the plan proposed, of making all the banks responsible for each other to community, with the expectation that it might be so modified and framed as to create a perfect and never-failing security to the creditors of these institutions, against every possible loss; and also to be presented in a shape which would not be so vitally objectionable to the banks, as to prevent their acceptance of charters under it.

The committee flatter themselves that they have settled upon the details of a bill which will accomplish these objects: And if it should meet with the approbation of this legislature, they are convinced, from their reflections and deliberations on the subject, that it will be attended by the most propitious results. It will not only possess the invaluable recommendation of creating a complete and infallible security to the creditors of monied corporations against all losses, but it will impart to the bank paper of this state a solidity and a currency equal, if not superior, to any in the world. It will entirely expel from circulation, within our limits, all paper of a questionable character. It will prevent runs upon banks, and also all combinations between several institutions to destroy any particular bank, since it will become the common interest of all to sustain and uphold each other.

The committee are aware, that by compelling the banks to become responsible for each other, they impose an extremely severe condition upon these valuable institutions, a condition perhaps more rigorous than justice would dictate. And the committee are so deeply impressed with this truth, that they conceive it their imperious duty to recommend the repeal of the law which now imposes a specific tax upon these *banks*, as an inducement to them, and a just though inadequate equivalent for the increased risk and responsibility about to be imposed upon them. And the committee believe that this recommendation of theirs will have its due weight, when it is understood that they propose to subject the stockholders to taxation for all their stock in common with their other property; and when it is also understood that the tax now assessed upon banks passes exclusively into the treasury of the county where they are located, and no benefit from it whatever is derived by any county in the state in which there happens to be no such institution; whereas if the stockholders were taxed as formerly, the benefit of the tax would be received by every county in which the stockholders happened to reside.

The committee, in the bill they intend to present to the house, have incorporated two principles; the one to compel the banks to raise a fund, to be paid into the treasury of the state, there to remain, to be inviolably appropriated to satisfy any losses that may arise from the failure of any particular bank or banks; the whole interest of this fund to belong to the common school fund, after deducting thereout the salaries of the commissioners, for whose appointment the proposed law provides, and the expenses of executing the duties of their office.

The other principle incorporated in the bill, is the creation of three commissioners, with powers restricted to that of simply inspecting the condition of the banks; and in case of the insolvency of any one or more of them, to apply to the chancellor under the existing laws, in like manner as the attorney-general or a creditor is now authorised to do, for an injunction, and the appointment of a receiver, and also to distribute the effects of the company among its fair and honest creditors.

The appointment of commissioners to inspect the banks, is not a new principle. It was contained, although in a different form, in the charter of the old Bank of North America, and also in the charter of the old Bank of the United States. In the charter of the present Bank of the United States, the right is expressly given to the secretary of the treasury, to inspect the books of the bank whenever he thinks proper; and the bank is required to furnish him with weekly statements of its affairs; and it is lawful for a committee of either house of congress, appointed for the purpose, at all times to inspect the affairs of the bank, and to report to congress; and if the committee find or believe that the charter of the bank has been violated, it is lawful for congress to direct legal proceedings to be instituted to obtain an annulment of the charter. In Vermont, also, the legislature have the power annually to send a committee to examine all the banks in the state, and to report the condition of the same; and this committee are required, in case any bank has violated its charter, to direct the state's attorney of some county to take the necessary steps to obtain a dissolution of the corporation. The same principle of inspection has been adopted in Virginia, Rhode-Island, South-Carolina, and several other states; and there appear to be sound reasons for this right of inspection of banks on the part of the government. They are permitted to create a circulating medium for the country, which is allowed to be a substitute for specie. It therefore is a national concern, and common prudence would seem to require that the government should have the power and right of ascertaining if this high trust was properly executed. And it would seem, that the possession and exercise of this right of inspection by the government ought to be desired by the stockholders, as it would give the public an additional confidence in their paper, and would dispel that mysticism which now envelopes all the operations of a bank, and which excites the jealousy and suspicion of community; and no bank could object to such an inspection, without being obnoxious to the suspicion that some mismanagement of the affairs of the institution was intended.

There is no cause for apprehension that there would be any combination, between a part of the banks, to destroy any particular institution, as they all will possess a common interest to uphold each other, and to prevent the insolvency of any one of their number. And there does not appear to be any ground for the objection, that these commissioners will have a power, which, if they should be wickedly inclined, could be wielded to crush any particular institution; for the power proposed to be given to them, is merely that of inspection, and nothing more. If they should discover any cause for interference, then they are authorised to apply to the chancellor for an injunction, under the existing law. If the chancellor, upon investigation, should believe the corporation proceeded against was solvent, and had not violated its charter, he would dissolve the injunction, and permit the company to resume its operations; and the only inconvenience sustained, would be a temporary suspension of its business. Its credit would not be shaken, as all the other banks would be the guarantees of its paper. And it is apparent it would be for the interest of the banks themselves to have this commission created, as there then would be a set of men whose express duty it was vigilantly to guard against the insolvency of any one or all of the institutions, and to prevent any great amount of losses from a failure.

The committee having settled upon the details of a general law, to provide an adequate security to community, next proceeded to consider the subject of renewals of the present bank charters, and of new incorporations. And while the committee were unanimous in the opinion, that the existing banking capital of this state was inadequate to supply a circulating medium sufficient for all the beneficial purposes of community; and while they were convinced that the increased business, the accumulated wealth, and the extended commercial prosperity of the state, required considerable additions of banking facilities, to satisfy all the wants of our internal trade, and of the various departments of industry; and while the committee were sensible of the mighty strides which the western part of this state had taken, in wealth, industry and commerce, and of the deficiency of banking capital to meet the demands of the rich, enterprising, and intelligent population of that prosperous region; and while they were

satisfied as to the merit of many applications for additional banking capital, from other parts of the state; and while the committee intend to bestow an immediate consideration upon the various applications before them: yet the committee are impelled by an imperious sense of duty, to express to this house their deep conviction that the great and paramount question, the one in which the great mass of this community are most deeply interested, is that of the renewal of the charters of the present sound and solvent banks.

The committee believe that every person who reflects upon this question, must be profoundly impressed with its engrossing magnitude. To refuse to renew the present bank charters, and to compel the banks to call in their debts, amounting to nearly 30 millions of dollars, would usher in upon this community a train of calamities, which would blast the hopes and wreck the fortunes of the most prosperous of our commercial citizens. It would plunge the whole state in distress and ruin. None but those of great wealth would survive the tremendous convulsion which would shake this community to its deepest centre. The poor, and those of small capital who were rapidly improving their condition, would be absolutely crushed. The disastrous consequences would reach to the remotest extremes of society. It would not only be felt by the merchant and manufacturer, but would extend to the farmer, the mechanic and the laborer. The sacrifice of property and absolute bankruptcy, would be the certain offspring of the pressure of the times. By the sudden and violent diminution of the circulating medium, a general stagnation of business would follow. Industry would cease to be productive. The goods of the manufacturer would remain unsold. The farmer would have no market for his produce, as there would be none or but few persons able to purchase. And the deficiency of the circulating medium produced by withdrawing the notes of the present banks from circulation, could not be supplied by the paper of new incorporations; for it has been demonstrated in the able report of the bank committee of the other branch of this legislature, that the time required to close up the affairs of the old banking institutions, would prevent the investment of the capital of those institutions in the new incorporations; and that the small profits now received from bank stock, would deter monied men from making a similar investment of their capital, and particularly since there would be a contingency as to the permanency of the investment.

The committee are deeply impressed with the truth, that in our legislation on this subject, we ought to have no reference as to what persons are to become owners of the stock in banks. The mass of our citizens are alone interested in having a sound and safe circulating medium. As to who shall derive a profit in creating this medium, they are entirely indifferent. This is a minor question, which is merged in the greater question of the general welfare. The community have a deep and vital interest in the continuance of the present sound and solvent banks. Men of capital, integrity and experience, have at present the control and management of these institutions. Their prudent, safe and successful operations hitherto, furnish to the public a pledge, that these institutions will continue to be sound and solvent, and productive of great advantages to community. Every consideration, therefore, connected with sound policy and the public good, dictate to us the duty of uniting our exertions to effect a renewal of the charters of the present sound and solvent banks.

But in so strongly recommending the re-chartering of the present sound and solvent banking institutions, the committee do not wish to be understood as detracting from the merit, or to shake a belief in the necessity of new incorporations. This state has increased in wealth, resources and business, to such an extent, that additional banking capital is almost indispensable to her prosperity and future advancement. Her internal improvements, the genius, industry and enterprise of her population, have propelled her, with a celerity unexampled, to her present proud pre-emience of power and prosperity. Her rapid advancement is the result of the fostering spirit of her free institutions, and her local advantages, aided in no small degree by her banking institutions. The committee, therefore, with great unanimity, recommend not only the re-chartering of the present sound and solvent banks, but also the establishment

of some new banks, to be judiciously located in those parts of the state where the business and commerce will warrant it.

There is, however, in the opinion of the committee, a limit which ought not to be transcended; for they conceive that an excess is perhaps equally injurious with a deficiency of banking capital. That the former has a direct tendency not only to produce a superabundant circulation, which leads to a depreciation of the currency and the rise of commodities, but also by the excessive facilities it affords in obtaining *money* accommodations, to encourage speculation and habits of extravagance, and to furnish temptations to over-trading, which invariably eventuates in the ruin of individuals, and the general stagnation of industry.

The committee entertain not the least doubt, that the intelligence, the discrimination, and the sound judgment of this house, will enable them to ascertain the proper limit to which the banking capital in this state ought to be increased; and that their ample knowledge, as well as their pure integrity, will direct them to not only correct conclusions, but also to correct legislation on this subject.

The committee feel the most perfect confidence, that notwithstanding the multiplicity of bank applications pending before this legislature, this house will exhibit, during the present session, the greatest firmness, independence and discrimination. That no matter how great may be the external influence exerted to prevent the dispassionate consideration of each separate application upon its individual merits, that it will only furnish to this house the opportunity to illustrate, in an eminent degree, their inflexible integrity and their fearless independence.

The committee believe, that on the all-important subject in relation to banks, there will be a demand for the exercise of all our patriotism. And unless there are some mutual concessions and mutual forbearance on this vital question, the public good will be sacrificed to individual jealousies and personal collisions. Such an event would be a subject of the deepest regret to this whole community, and would be discreditable to the high character of this house. The committee anticipate a more auspicious result, from the enlightened views and patriotic intentions of the members of the present legislature. The committee believe that the intelligence of this house will lead them to look to the whole surface of things—to take an enlarged view of the great interests of the state; and while they faithfully support all local measures of acknowledged merit, they will contribute all their energies to sustain and advance the prosperity of the whole community. No crisis more than the present, ever called for the exercise of the virtues, or furnished a more propitious opportunity to gather the honors of the representative character.

We are now about to come in contact with the great monied interests of the state. If we discard every interested consideration; if we resist every undue effort to bias our feelings, or to sway our judgments; and if we inflexibly act with single reference to the public good, we shall secure the confidence of a just and discerning people, and we shall possess, what is above all price, the enduring consolation of an approving conscience.

The committee have directed their chairman to ask leave to introduce the bill they have prepared, as above stated.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That three times the usual number of copies of the said bill and report be printed in pamphlet form, for the use of the legislature.

Mr. Taber, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Lewis, praying for the passage of an act appointing commissioners to lay out a road in the town of Denmark in said county, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Taber, according to leave, brought in the said bill, entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of John H. Lathrop and Orin Palmer, of the town of Salina in the county of Onondaga, praying for a certain amendment to the act entitled "An act to authorise the sale of certain lands therein mentioned by the people of this state," passed March 10th, 1827, and the report of the surveyor-general on the said petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned by the people of this state,' passed March 10th, 1827;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of John Servoss, one of the heirs of Christopher Servoss, formerly of Charlott river, in the county of Tryon, (now Schoharie,) praying compensation for certain personal estate, alledged to have been seized and sold by the people of this state, as forfeited by the conviction and attainder of the said Christopher Servoss, for high treason during the revolutionary war, reported:

That the committee have examined into the origin and nature of the petitioner's claim, and it appears that the petitioner's father was, in his life time, seized of a considerable real and personal estate, and that he was shot at his own door during the revolutionary war; that after his death, he was indicted, committed and attainted of high treason, and his real estate at least was forfeited and sold. Most of his descendants, except the petitioner, fled to Canada, and have remained there ever since. This conviction being subsequent to the death of the accused, has recently been adjudicated to be void, and the state have been obliged, in good faith, to render an equivalent for the lands thus sold, in order to quiet the purchaser.

It is represented in a remonstrance presented last year, against this claim, signed by several aged men, who say they were acquainted with the facts, that the heirs of Christopher Servoss obtained from the British king a full indemnity for the lands and personal property lost by their father.

They have now recovered back their real estate from the people of this state, and ask to be paid for their personal property over again.

This would appear, (if such are the facts,) to be rather a strong speculation out of the two governments, on the death of their father.

It has been alleged that the ancestor of the petitioner was not attached to the common enemies of British Tories and Indians, which then infested the Mohawk country; and several affidavits, of negative character, are now produced to satisfy us on this point; but the fact that he was convicted at that time, goes far to establish the converse; and this, connected with the history of his death, by the hands of his own countrymen in arms, would induce a strong presumption in favor of such a conclusion.

There is no satisfactory evidence that the personal estate was sold by order of the government, or of its quantity or value.

The committee have directed their chairman to submit the following resolution for the consideration of the house:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer, Fairfield and Germanflatts, in the

county of Herkimer," reported, that the committee have examined the said bill, and prepared certain amendments thereto, with which they see no reason why the same should not be passed into a law.

Thereupon,

The amendments were agreed to by the house, ordered to be engrossed, and the bill ordered a third reading.

Mr. Matthews, from the select committee to which was referred the petition of John C. Brown and Truman Adams, executors of the last will and testament of Jonas C. Baldwin deceased, reported:

That on the 17th of May 1817, the said Jonas C. Baldwin purchased of Isaac Wood, one equal undivided half of lot number 67 in the township of Lysander and county of Onondaga: That in good faith, said Baldwin took possession of said land, erected buildings, and made sundry improvements to a considerable amount; and continued in the possession thereof by his tenant, until ejected by the people of the state of New-York: That the declaration in ejectment was handed by said tenant to said Jonas C. Baldwin, and by him to Isaac Wood, of whom he purchased, with a request that the said Wood would defend the same; and that it was not known to the said Baldwin but that said Wood was defending the same, until the sheriff came with a writ of possession issued on the judgment in said suit, and took possession of the land.

The committee therefore are of opinion, from the facts set forth in the petition, that the said Jonas C. Baldwin, in his lifetime, supposed that the said Wood had taken measures within the time required by law to recover said land, under the statute of this state, passed April 13th, 1819.

The committee believe, from the above circumstances, that justice and equity require that the petitioners should have the privilege of proving their claim to the commissioners of the land-office, and have directed their chairman to ask leave to introduce a bill for that purpose.

Ordered, That leave be given to bring in such bill.

Mr. Matthews, according to leave, brought in the said bill, entitled "An act for the relief of the heirs of Jonas C. Baldwin deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot for the purposes therein mentioned, also to amend the act entitled 'An act to authorise the supervisors of the county of Monroe to build a gaol,' passed April 21st, 1828," with the amendments therewith delivered, one of the said amendments being to strike out of the title all after the word "mentioned."

The said bill and amendments were read; and the amendments having been again read, were severally concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The Senate returned by their clerk, the bill entitled "An act in addition to an act providing for the publication of a map and atlas of this state."

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of yesterday, appointing Saturday the 14th instant, to proceed to the choice of a secretary of state, treasurer, surveyor-general, commissary-general, and one regent of the university.

The annual report of Epaphras Warren, an inspector of beef and pork, of the county of Tompkins, was read in the words following, to wit:—

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

I, Epaphras Warren, inspector of beef and pork for the county of Tompkins, residing in the village of Ithaca, do report, that during the year ending on the first day of January, instant, I have inspected eighty-one barrels of mess pork, two hundred and fourteen barrels prime pork, and forty-five barrels cargo pork. About half the above mentioned pork was still fatted; the other half fatted on corn, and was generally of good quality. The average value was twelve dollars for mess, nine for prime, and seven for cargo, per barrel. The amount of fees derived from my office during the year, was eighty-two dollars;

All of which is respectfully submitted.

EPAPHRAS WARREN.

Ithaca, January 31, 1829.

Ordered, That the same be laid upon the table.

A communication from the canal board was read in the words following, to wit:—

The canal board, on the reference from the Assembly of the petition of Daniel McInroy, reported:

That in pursuance of the provision of an act passed March 29, 1827, entitled "An act for the relief of Daniel McInroy," the canal board, on the application of the petitioner, appointed the 9th day of April, 1827, to inquire into any mistakes which might have existed in the measurement of a certain section of the Champlain canal, constructed by said McInroy, in 1818, and known as section A. On the hearing of the case, the acting canal commissioner on the Northern canal, and one of the engineers who was engaged on that line of the canal embracing the petitioner's contract, were examined as witnesses. It appeared from the testimony of the engineer, Mr. Jerome, that at one end of the section excavated by the petitioner, the surface was covered with a loose mould, which becoming very dry, was burnt off for a considerable depth; and in making the estimate which formed the basis of the settlement with McInroy, the excavation was calculated from the surface after the burning, and not from the natural surface of the earth, as it was when the contract was made.

A majority of the canal board were of the opinion, that the petitioner was entitled to have the excavation estimated from the surface of the ground in the state in which it was when the contract was entered into, and made an allowance to the petitioner, estimating the number of cubic yards burned off, according to his contract price, and interest on the same from the time of completing the contract until April, 1827, amounting in all to $312.

The following extract from the minutes, shows the disposition made of the petitioner's claim by the canal board, under the act before referred to:

"The canal board having heard Daniel McInroy, on his application for an allowance on his contract, for the construction of section A of the Champlain canal, and examined witnesses in relation thereto, pursuant to the provisions of the act chap. 115 of 1827:

Resolved, That there be allowed to the said Daniel McInroy, the sum of three hundred and twelve dollars, and that the comptroller pay the same to him, agreeably to the act chap. 115 of 1827."

The petitioner claimed a further allowance under the law, alledging that the engineer made an erroneous estimate of the number of cubic yards of excavation on section A. The engineer, however, testified to the correctness of the estimate, and the petitioner was unable to get any witnesses to substantiate his claim, by invalidating the accuracy of the engineer's statement, his material witness being, as he alledged, out of the state; but he did not ask a postponement of the case, to procure this witness; and it will be borne in mind, that the day for the hearing was fixed on the application of the petitioner, and a day giving him more time would readily have been agreed to, if he had represented that further time was necessary to enable him to procure his witnesses.

At a subsequent meeting of the board, the petitioner appeared with the witness by whom, as he alledged, the error in the estimates of section A could be

established. At this time, the acting commissioner on the Northern canal was not present, and the board declined going into the examination of his case for that reason. At a meeting of the board in Sept. 1828, the petitioner appeared, to ask if the board would give him a re-hearing, and time to procure his witness. It was then decided, that as the case had been heard and determined, and as the petitioner had accepted the award made by the canal board, that no further proceedings could be had under the act of March 29, 1827.

For a further history of this case, reference may be had to the report of the canal committee of the Senate, of 1827, p. 195; and to the report of the canal commissioners, Senate journals of the same year, p. 381.

A. C. FLAGG,
S. YOUNG,
S. WRIGHT, Jr.
A. KEYSER,
WM. C. BOUCK,
GREENE C. BRONSON,
HENRY SEYMOUR.

Albany, 13*th Feb.* 1829.

Ordered, That the said communication be referred to the committee on canals and internal improvements.

Ordered, That Mr. Nicholas have leave of absence for twelve days, and Mr. L. Smith for ten days.

In pursuance of previous notice, Mr. A. Smith asked for and obtained leave to bring in a bill entitled "An act to amend chapter fifteenth of the first part of the revised statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange;" and that the said bill, and the documents accompanying the same, be referred to a select committee, consisting of Mr. Bradish, Mr. Fowler, Mr. Waugh, Mr. Graham and Mr. J. Van Beuren.

Mr. Savage made a motion that the house should agree to a resolution, in the words following, to wit:

Resolved, That the committee of the whole house be discharged from the further consideration of the memorials of sundry inhabitants of New-York, &c. to abolish slavery in the district of Columbia, and that the subject be referred to the committee on the relations between the state and general governments.

Debates were had thereon; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	88
AYES	28

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Hubbell	Mr. Sill
Mr. Allison	Mr. Falley	Mr. Hynds	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Ives	Mr. Sloughter
Mr. Bacon	Mr. Fleming	Mr. Jenkins	Mr. A. Smith
Mr. Bailey	Mr. Fowler	Mr. Johnson	Mr. H. D. Smith
Mr. Baragar	Mr. Franklin	Mr. Lindsley	Mr. L. Smith
Mr. Barnett	Mr. P. C. Fuller	Mr. H.W.Livingston	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. Mallory	Mr. Speaker
Mr. Boynton	Mr. Gardiner	Mr. Mandeville	Mr. Spier
Mr. Bradish	Mr. Garnsey	Mr. M'Crea	Mr. Stanton

Mr. Brown	Mr. Gosman	Mr. J. M'Donald	Mr. Starr	
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. Tailor	
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Tower	
Mr. Carrier	Mr. Gross	Mr. Nicholas	Mr. J. Van Beuren	
Mr. Chandler	Mr. J. Hall	Mr. Norton	Mr. Vanderbilt	
Mr. Curtiss	Mr. W. Hall	Mr. Paige	Mr. Waring	
Mr. Dean	Mr. Hascall	Mr. Partridge	Mr. Waugh	
Mr. Defreest	Mr. Hazeltine	Mr. Randall	Mr. Wheeler	
Mr. Dickson	Mr. Hedges	Mr. Redfield	Mr. White	
Mr. Dyckman	Mr. Heermans	Mr. Scott	Mr. Williamson	
Mr. Dygert	Mr. Hornbeek	Mr. Seeley	Mr. Wyckoff	
Mr. Edgerton	Mr. Hubbard	Mr. Sheppard	Mr. Young	88

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Davenport	Mr. C. L. Livingston	Mr. Savage	
Mr. Arnold	Mr. Dayton	Mr. Mann	Mr. T. L. Smith	
Mr. E. Baker	Mr. Efner	Mr. Mathews	Mr. Tabor	
Mr. Bogert	Mr. Fitch	Mr. W. M'Donald	Mr. Teller	
Mr. Cargill	Mr. W. K. Fuller	Mr. Morell	Mr. P. Van Buren	
Mr. Case	Mr. Hammond	Mr. Myers	Mr. Van Wyck	
Mr. Collier	Mr. Judd	Mr. Ruggles	Mr. Williams	28

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising a loan to the Rochester high school," and find the same correctly engrossed.

The said engrossed bill, entitled "An act authorising a loan to the Rochester high school," was read the third time.

Mr. Speaker put the question on the final passage of the said bill, and it was determined in the affirmative.

{AYES 84
NAYS 20}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Heermans	Mr. Ruggles	
Mr. Arnold	Mr. Defreest	Mr. Hubbell	Mr. Savage	
Mr. Austin	Mr. Dickson	Mr. Ives	Mr. Scott	
Mr. Bacon	Mr. Dyckman	Mr. Johnson	Mr. Seeley	
Mr. Bailey	Mr. Dygert	Mr. Lindsley	Mr. Sheppard	
Mr. C. Baker	Mr. Efner	Mr. C. L. Livingston	Mr. Skinner	
Mr. E. Baker	Mr. Eldridge	Mr. Mallory	Mr. Sloughter	
Mr. Barnet	Mr. Falley	Mr. Mandeville	Mr. Speaker	
Mr. Bogert	Mr. Fillmore	Mr. Mann	Mr. Spier	
Mr. Bostwick	Mr. Fleming	Mr. Mathews	Mr. Stanton	
Mr. Boynton	Mr. Fowler	Mr. M'Crea	Mr. Starr	
Mr. Brinkerhoff	Mr. Franklin	Mr. J. M'Donald	Mr. Tailor	
Mr. Brown	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Tower	
Mr. Burt	Mr. Garbutt	Mr. M'Niel	Mr. J. Van Beuren	
Mr. Carley	Mr. Gardner	Mr. Mixer	Mr. P. Van Beuren	
Mr. Case	Mr. Garnsey	Mr. Myers	Mr. Vanderbilt	
Mr. Chandler	Mr. Goodman	Mr. Norton	Mr. Wheeler	
Mr. Collier	Mr. Gosman	Mr. Paige	Mr. Williams	
Mr. Curtiss	Mr. Graves	Mr. Partridge	Mr. Williamson	
Mr. Dana	Mr. Hascall	Mr. Randall	Mr. Wyckoff	
Mr. Dayton	Mr. Hedges	Mr. Redfield	Mr. Young	84

Those who voted in the negative are—

Mr. Al Burtis	Mr. W. K. Fuller	Mr. Judd	Mr. Tabor
Mr. Allison	Mr. Graham	Mr. H. W. Livingston	Mr. Teller
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. Van Wyck
Mr. Edgerton	Mr. Hynds	Mr. L. Smith	Mr. Waring
Mr. Fitch	Mr Jenkins	Mr. Soper	Mr. Waugh

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then resolved itself into a committee of the whole, on the bill entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the resolution relating to the abolition of slavery in the district of Columbia; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the same, added an additional resolution thereto, and agreed to the same, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the senators of this state in the congress of the United States, be and are hereby instructed, and the representatives of this state are requested, to make every proper exertion to effect the passage of a law for the abolition of slavery in the District of Columbia.

Resolved, That the Governor be, and he is hereby requested to transmit a copy of the foregoing resolution, to each of our senators and representatives in congress.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, FEBRUARY 14, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the towns of Scio and Angelica in the county of Allegany, praying for the erection of a new town from parts of those towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Oswego, relative to lowering the waters of the Oneida lake, was read, and referred to the select committee on that subject, of which Mr. Savage is chairman.

The petition of sundry inhabitants of the town of Homer in the county of Cortland, praying for the passage of an act to alter the time of holding the annual town-meetings in said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Michael M'Namara, John David Walsh and others, inhabitants of the village of Rochester in the county of Monroe, praying to be incorporated by the name and style of the "Hibernian Benevolent Society of Rochester, Monroe county," was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of Joseph S. Smith and others, praying for the passage of a law to authorise them to construct a bridge over the Rondout creek in the county of Ulster, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the trustees of the Reformed Protestant Dutch Church in the village of Brunswick in the county of Kings, praying for the passage of a law to authorise them to sell certain land, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of sundry inhabitants of the county of Kings, praying for the incorporation of a bank, to be located in the village of Brooklyn, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry distillers of the county of Otsego, praying for a certain amendment to the law regulating the inspection of domestic spirits, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the town of Blenheim in the county of Schoharie, praying for the repeal of the 13th section of the act entitled "An act to incorporate the Blenheim bridge company," passed April 19th, 1819, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the west part of the town of Durham in the county of Greene, and the south part of the town of Broome in the county of Schoharie, praying for the erection of a new town from parts of the said towns; and the remonstrance of sundry inhabitants of the county of Schoharie, against a division of the town of Broome; were severally read, and referred to the committee on the erection and division of towns and counties.

The petition of Charles Baker, of Sandy-Hill in the county of Washington, praying to be remunerated for damages sustained by him, occasioned by a breach in the Champlain canal, was read, and referred to the committee on claims.

The petition of William Brayton and others, praying for the passage of a law directing the re-appraisal of damages sustained by the construction of the Champlain canal, was read, and referred to the canal appraisers.

The petition of sundry inhabitants of the town of Verona in the county of Oneida, relative to lowering the waters of the Oneida lake, was read, and referred to the select committee on that subject, of which Mr. Savage is chairman.

The petition of sundry inhabitants of the county of St. Lawrence, praying permission to erect a toll-bridge across the Oswegatchie river, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of sundry inhabitants of the counties of Steuben, Tompkins and Tioga, praying for the incorporation of a company to construct a rail-road from the head of the Seneca lake to the village of Elmira, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Bradish, from the committee on public lands, to which was referred the the petition of Ezra Goodell and others, occupants of subdivision No. 6, in the Mine reservation in the town of Spring Port, in the county of Cayuga, praying the passage of an act authorising the commissioners of the land-office to grant to them letters patent for the lands so occupied by them respectively, at the price fixed by the appraisement thereof, in 1819, reported:

That on the 26th March, 1819, an act was passed, authorising the surveyor-general "to appoint two proper disinterested persons to appraise and make a true valuation, exclusive of improvements, of the lands" in question. The said act further provided, that whenever such valuation and appraisement should be made and returned, as directed therein, it should be lawful for the commissioners of the land-office, and they were thereby required, if they should approve of such valuation, to grant letters patent to such of the occupants on the said Mine reservation, for the several lots of land therein occupied by them respectively, upon their paying one-fourth part of such valuation or appraisement by the first day of January then next, (that is 1820,) and securing the remainder thereof by bonds and mortgages to the people of this state, to be paid in four equal payments, in each successive year thereafter, with interest at the rate of six per cent. per annum: provided, that such patents should be issued on or before the first day of January then next, (that is 1820); and that the expenses of such appraisement should be averaged among the purchasers, and added to the price or valuation of the said lots respectively."

It appears that in pursuance of the above mentioned act, an appraisement or valuation of the lands in question was made, under the the direction of the surveyor-general, by David Thomas and Humphrey Howland, and a report of such appraisement or valuation was made and filed in the land-office, on the 25th of August, 1819, and approved by the commissioners of the land-office.

By the report of this valuation, it appears that the said subdivision No. 6, contains 185 acres, was appraised at $8 50 per acre, amounting to $1,572 50. The expenses of that valuation were $9 25, making the whole amount of valuation and expenses $1,581 75.

The occupants of the tract at the time of the above appraisement, appear to have been Parley Wheeler, Micajah Wheeler, David Beach, Ezra Goodell, Samuel Weisner, and Anthony Carter. It does not appear that any of these occupants have availed themselves of the provisions of the act of the 26th of March, 1819, herein above mentioned, or complied with its requisitions.

Three of the above named occupants, viz: Parley Wheeler, Ezra Goodell, and Samuel Weisner, together with Daniel Gove, who declares himself now, and so appears to the committee, to be one of the occupants of the lands in question are the present petitioners. They pray that an act may be passed allowing them to become the purchasers of the lands occupied by them respectively, on their paying the prices at which they are valued in the appraisement thereof, made by Messrs. Thomas and Howland, in 1819.

It does not appear that these petitioners have paid any rent to the state for the use of these lands. It would, therefore, seem to the committee unreasonable, that they should be permitted to purchase them at their valuation of 1819, unless upon condition of their paying interest upon that valuation, at the rate fixed in the act above mentioned upon that subject.

At the same time it is stated to the committee, that the valuation of 1819, with interest thereon, at the rate of 6 per cent. per annum, to this time, would exceed the present value of these lands. The committee have supposed that

any such excess would be counterbalanced by the use of the lands which the occupants have enjoyed without rent; and that an act allowing those occupants the right of purchasing the lands occupied by them respectively, at the prices fixed in the valuation thereof, made by Messrs. Thomas and Howland, in 1819, with interest thereon, from the 1st January, 1820, at 6 per cent. per annum, while it would give the said occupants the benefits of their improvements, would secure to the state its rights and interests, as if the act of the 26th of March, 1819, had been carried fully into effect.

The committee have, therefore, prepared a bill embracing those provisions, and now as leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act authorising the sale of certain lands in the Mine reservation, in the county of Cayuga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the committee on grievances, to which was referred the petition of Charles Truesdale, reported:

That the petioner, Charles Truesdale, of the town of Hinsdale, in the county of Columbia, was on the twenty-eighth day of July, in the year 1812, summoned by Alexander Smith, jun. then acting and being one of the deputies of the sheriff of the said county, and one Joseph McKown, another deputy, to go with them to the dwelling-house of Daniel Wilkinson, then residing in the town of Taghkanick, in the said county, to aid them in in the execution of a writ of possession, in favor of John Stivers and Maria his wife, against the said Daniel. That the petitioner and several others, to wit: Thomas Truesdale, Gilbert Turner, Thaddeus Were, and Harry Holdridge, went with the said deputies to the dwelling-house of the said Daniel, for the purpose aforesaid; that the said deputies did not execute the said writ from an apprehension, as was then expressed, of great personal danger; that on the return of the party, and when at the distance of about two miles from the residence of the petitioner, riding in company with said Turner, and somewhat in advance of the residue of the party, it being quite dark, he, your petitioner, was fired at by some person secreted in a thicket adjoining the highway, and shot in the left thigh with a number of duck and pigeon shot; that the wound was severe, and in the opinion of the surgeon and neighbors of the petitioner, dangerous; and in consequence of this wound, the petitioner was confined to his bed for many weeks, and still is so materially injured as not to have been able, at any time since, to pursue his wonted occupation as successfully as before the night of the said wound.

The petitioner's reasons, as stated by him, why he did not apply sooner for relief are, that he was induced to withhold an application to the justice and liberality of his country for an indemnity for his suffering and injuries, in the expectation of receiving some portion of the property of an aged and wealthy parent, so as to be able with that and his own personal exertions, to provide for the comfortable support of himself and family. In this expectation, however, he has been disappointed, and he at length feels himself compelled to present his case to the candid consideration of the legislature, that they may grant to him such aid and relief as the circumstances of the case require.

The facts here set forth, the committee believe to be true, as they are substantiated by the affidavits of the petitioner's surgeon, and those that were with him when wounded. A large number of respectable citizens have signed a petition for the said Charles, many of whom are known to the committee.

The committee, from the facts stated, do, in common with the friends and neighbors of the petitioner, feel, at the first impression, that the state, under the existing circumstances of this case, ought to grant relief, as asked. The petitioner, like a good citizen, obeyed the summons and did his duty, in the discharge of which he received this wound, which disabled him from pursuing the usual labor which procured him his bread. He has delayed this application for almost seventeen years, being under the hope that he should be able, at some future day, to obtain a property that would be ample to sup-

ply his wants; but having failed in this, he now asks for a share of the bounties of the state.

The committee having viewed this case, and former applications of a similar character, it appears that none of those applications have been granted. The case of Wiley Nichols and Pliny Darbey are closely allied, in point of claims, to this; and knowing the laws of this state amply provide for persons whom misfortune has reduced to indigent circumstances, they are of opinion that the prayer of the petitioner ought not to be granted, and submit the following resolution.

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Ordered, That the said report and resolution be laid upon the table.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act in addition to an act providing for the publication of a map and atlas of this state."

MARTIN VAN BUREN.

Albany, February 14, 1829.

A communication from the commissioners appointed by an act of the legislature of the 21st April 1828, was read, in the words following, to wit:

The commissioners appointed by an act of the legislature of the state of New-York, passed April 21st, 1828, to lay out and open a road from Cedar Point, westward through the towns of Moriah and Newcomb, in the county of Essex, beg leave to report their doings under and in compliance with the directions of the twelfth section of the said act.

The commissioners have done and performed the duties assigned to them by the said section, as well as it lay in their power. In the first place, they have carefully explored the country which lies between the head waters of the Hudson, (where the west line of the county of Essex comes to the Hudson,) and the Black River. opposite the village of Lowville, in the county of Lewis: The commissioners felicitate themselves in thinking that they have succeeded well in their attempt in finding a good route for a road across that extensive forest—the distance being seventy-two miles, fifty-four chains and ninety-five links, on the line of the road.

There being several ridges and a number of lakes and ponds which lay in our way, so on that account we were necessitated to deviate in some places very considerably from the direct course; and by so doing, we were enabled to avoid all steep ascents and descents, by passing over the ridges obliquely; so that in no place on the route does the ascent exceed seven degrees, and but in a very few places does the ascent come up to six degrees. But from three to five degrees of ascent in passing over ridges, is common on this route. We endeavoured to locate the route as near the base of the country as the nature of the ground would admit of.

The commissioners have come to the conclusion that a good road may be constructed at the average price of one dollar per rod; from one end of the route to the other end, the soil is well calculated for the construction of a road, being loam and sand mixed with some gravel. There are no expensive bridges to be built on the route. The one on the Racket river will be the longest of any of them, the river being one chain and thirty-three links across; the place is safe, with a large rock in the centre of the stream for a middle pier for the bridge. Much care has been taken to select safe and cheap places for building the bridges on all the other streams on the route. Deep digging will be necessary on many sideling places. The rocky ground, the stony ground, and the swampy or marshy ground, are exhibited at one view, in a tabular form, and marked C. It was judged that all the rest of the sections were upon an average, with the general standard or fair chance for making the road.

Remarks on the character of the adjacent lands.

The adjacent lands are various in quality, and so they are also as various in value, in an agricultural point of view; but the land which would be deemed almost worthless, by the mere farmer, has often been found to be the most valuable in a manufacturing or commercial point of view: For instance, the iron ore is most generally found on rough worthless looking land; and the strongest attractions, and the best and greatest indications of ore, are found on the roughest land on the whole route. Again, there are extensive tracts of land not far from the route, which a farmer would not take as a gift; but still, the ship-builder, the house-carpenter and the cabinet-maker, or the forge-master, would think such land to be quite valuable: So that the *wants* of mankind seems to be the standard of the *value* of *things*. However, the greatest portion of the adjacent lands are well worth the attention of the agriculturalist. The soil being composed of sand and loam, in various proportion of mixture, in different places, and it is very well adapted to the culture of rye, Indian corn, spring wheat, pease, oats, flax, potatoes and turnips, and all kinds of grasses: Winter wheat will do well only on a small portion of these lands—that is on certain ridges where the soil is mostly loam and rich. Knowing by fair and repeated trials, as we do know, that the land will yield fair crops of either, or of all the enumerated articles mentioned above, we leave it for others to set such value on it as they please: for ourselves, we think it a good country, taking all things into consideration.

The principal timber growing on this land, are beech, soft and hard maple, white and black ash, basswood, yellow birch, spruce and hemlock, with black cherry and some elm; in the swamps, cedar, tamarac, black spruce, and some fir grow. The under wood are thick; white birch and poplars are scarce.—The pine are but seldom met with in any great quantities. There are no mountains on the route; nor in sight of it; but heavy ridges are to be encountered, and some of these ridges are rough in part, and good land in part: Some of them have the best of land on the highest parts of them. The most of these ridges range from northeast to southwest, with some others ranging in different directions.

A goodly portion of the surface of the land is formed into gentle or gradual swells, and the best and greatest part of the farming land is to be found on these swells. There are vallies also between the ridges; some of these are very good, and others are stony or wet. There are also on some of the brooks and streams, tracts of fine bottom land, for meadows, covered with alder, elm, black cherry, and some soft maple. Here are to be found some spruce and hemlock low land or plains, good in part, and stony or wet in part. But the spruce and hemlock are of a superior order. There are some parts of the high lands where the soil is very good; but being too stony for cultivation, and covered over heavily with beech, the rock maple, and the large yellow birch. On this kind of land, too, is the iron ore to be found the plentiest.

The water power, and chances for hydraulic works, are most abundant, and of the highest order. The line of the road passes by three sets of excellent falls, and very commodious places for villages, (see Map,) on the Long lake, and on the river Racket; and also on the Beaver river, which runs in a westerly direction, somewhat parallel with the line of the road; and but a small distance from it, the water power is really immense; the roaring from its huge falls is heard at a distance of eight or ten miles through the woods.

In townships numbers twenty and twenty-two, where the road line passes, about two-thirds of the land is tillable, and most of it is of second quality, being some stony and of an uneven surface, to the Long lake. Thence up along near the lake, the land this way being variable; in some places it is rough, and in other places it is good for farming, with the most delightful prospects to the west end of the lake. But the land on the northerly side of the lake, is much more uniformly good, lying in gentle rolling swells, nearly the whole extent of the lake, being about sixteen miles in length: a heavy ridge ranges nearly parallel with the lake, at some considerable distance to the south of it. Thence up the valley of the Racket, on the northerly side thereof, between a ridge and the river, most of the land is good, but some uneven on the surface, to the up-

per falls. Thence over roughish land, of second quality, to a lake; thence up along the lake, and marsh at the upper end of it, to the crossing place on the Still brook; the land is stony along this lake, in many places. Thence westerly over rising land, of first and second quality, with some rocky patches on it, to the lake, with two small inlets to it; thence along the easterly and northerly side of this lake; thence over land rising gradually, and mostly of second quality, to the inlet between two lakes, as per map. Thence on land of good quality, to the south side of a small pond in a marsh; thence on land of second quality, with the marsh on the north side of the line, and a ridge to the south of it; thence on land alternately good and bad, by the north side of a small pond; thence over levelish land in part, and small ridges in part, to an high ridge, ranging nearly north and south; found a low valley of very good land passing clear through the ridge, being about a mile and an half in length, to a place where a branch of the former ridge impeded our course; thence kept at the foot of this branch of the ridge, in a southwesterly direction, to the Great lake in township number thirty-nine of Totten & Crossfield's purchase; thence along the shore of this lake, in a northerly direction, to the northeast corner thereof, on good land for a road; the prospect is very fine, the water clear; thence on good levelish land, westerly two miles; thence the land is more ridgy, but the soil is good, to the old Russell road; the last half mile, a ridge lay close to our line, on the north side thereof; thence along the foot of the same ridge, westerly, to the east line of township number forty-two, on variable land of first and second quality; thence on good land one mile; thence on variable land two miles, some of it being wet and some of it stony, the rest being good; thence on land generally levelish, and mostly of first quality, to the west line of Totten & Crossfield's purchase; we passed by some low, smooth, small ridges, the chance for a road being good; thence on westerly, through township number five of Brown's tract, on land of first and second quality, with some swampy land and stony places; but generally the land is good, with some small ridges on it; thence passing on westerly near the line dividing townships number three and four of Brown's tract, in a devious manner, being prevented from following the direct course, by many small ridges lying in our way; the most of the land in these two townships, adjacent to the road line, is settleable land, and some parcels of it are very good, to a small new settlement near the southwest corner of township number four; from thence in a westerly direction, we passed over the lands of James Watson, being generally good and inviting to the farmer; thence passing on westerly over the lands of Mr. Le Ray, to the Black river; this land is also good, rising and falling very gently, being mostly well timbered; it will reward the labor of the agriculturist abundantly, in the production of grain and clover; it lies in the state of nature, almost to the Black river, on the route of the road.

The line of the road passes only through two townships of the states' land, viz. numbers thirty-nine and forty-two; but it passes within a few miles of four other townships of the states' land, lying and being north of the road line.—Township number six, and the Moose river tract lie some farther from the road line towards the south. All these lands of the state have been appraised some years since, and an age, or ages, will pass by before these lands can be sold, unless a road shall be opened to their vicinity. And in case the opening of such a road is left to the management of two sets of poor settlers, the one set commencing its operations at the east end of the route, and the other commencing at the west end of the route, it would take a great length of time for such feeble, unaided and disconcerted operators, to effect a junction of their labors, and in all probability they never would open any thing like a direct route through the country. Hence the necessity of some well concerted plan, either by a company or by the state, or by both in conjunction, to open a route through these northern lands.

The objection which has been started by some might be obviated. They say "that a road of this length, through a wilderness country cannot be kept open." But in case the owners of each township on the route would give one thousand acres of land to ten actual settlers on each township; and in addition

to that, let the owner or owners of two townships join in giving to the twenty settlers a bolting cloth, a pair of mill-stones, a set of grist-mill and saw-mill irons, and a cask of nails, and the road would surely be kept open. This northern country is surely as good a country as the generality of the New-England country, where the people do well. There are real advantages in this northern region for men of capital. The iron ore is imbosomed in the earth, the fuel is on the surface of it, and the water power is abundant for all manufacturing purposes. The soil is capable of feeding a million of people, where there is not one human being residing, to this moment, on all these northern lands. Open roads through these lands, and the resources of it will be developed. Its timber is excellent for all the purposes of life. But it has been said, that there is no way to get the timber to market, therefore it is good for nothing. But we know that nature has done almost every thing towards accomplishing that business. A few hundreds of dollars expense would remove the rocks in the Hudson, so that not only logs, but any long spars would float at a moderate pitch of water from the head of the river to Albany with ease: And those branches of the river which interlock with the Canada creeks, and with the waters of the Black river, can be improved at a very trifling expense, so that timber would float into the Hudson from the heads of these branches: And it is also a fact, that the waters of the North river, and the waters of the Racket river, might be united, at a very small expense, by a short cut from the head of a still brook, (being a branch of the North river,) to the side of the Long lake, so as to tap the lake, and by so doing, it would improve the main and head branch of the river very much for floating down timber. The pine of the country, in a few years more, will be nearly extinct, and even timber for fencing and fuel is already getting scarce in many places: The spruce, hemlock, ash and basswood of the north, must be substituted for pine; and a very few thousands of dollars would prepare the streams so as to float it down in abundance to supply the wants of the southern portion of the state.

In conclusion the commissioners beg leave to make one or two remarks, (though perhaps a little out of place.) An opinion has been prevalent abroad, that the *northern lands* are good for nothing. The phrase used is, "the northern lands do not settle—therefore they are good for nothing." Now to say, that because at present an article is rather too plenty in the market, therefore it is good for nothing, is rather a singular kind of logic; and the more so, when the fact is adverted to, that those who make such an assertion know nothing of the value of the article in question, and never have seen it; and yet they say, because somebody did not purchase the article, it is not good for any thing. But we say, open a *way* so that the article can be seen and examined by good judges. It is very true, that the northern lands will not compare with the western lands in point of fertility or richness of soil; but it is just as true, that there are some very valuable privileges to be enjoyed to a far greater degree in the northern portion of the state, than they are enjoyed in the western portion of it; such as pure air, good and wholesome water, and of course the blessings of good health, strength of body, and an ability to endure more labor and fatigue, with more cheerfulness and comfort. So that more hardy children can be raised in the north, than can be raised in the west, and at much less expense too.

The northern soil is capable of producing food in abundance for a very dense population; and the manufacturer will find here materials in great plenty to carry on his business to any extent that may be desired. Capital and industry are the only requisites to make this northern region both prosperous and great.

JOHN RICHARDS,
NATHAN SHERMAN,
Commissioners.

(C.)

Miles or sections	Rocky ground.	Swampy, or wet marshy ground.
1	7 chains.	
2		8 chains, 50 links.
4	4 "	
6	5 " 50 links.	
7	9 "	
8	7 "	
9	5 "	
10	4 " 50 "	
11	5 "	
16	3 " 50 "	3 "
19	4 "	
20	4 " 50 "	3 "
21	10 " not bad.	
23	4 " 50 "	
24	4 "	
25	4 " 30 "	
26	3 "	
27	5 "	
29		12 " wet land.
39		8 " wettish.
40	14 " some rocky and rough.	
42		12 " some wet.
44	10 " some rocky.	
45		5 "
46	8 "	
49		18 "
50		15 "
51		8 "
53	3 "	
55		2 "
56	21 " some rocky.	
57		4 "
61		9 "
62		17 "
65		4 "
67	20 " do	
72		4 "
73		18 " 50 "
	165 chains, 80 links.	151 chains.

By the above table, it is seen, that there is 165 chains, 80 links of rocky ground on the whole route, and part of it is not very rocky, and how much of such land there is on each section. Also the same table shews, that there is on the route 151 chains of swampy, marshy or wet ground, and how much thereof lies in the different sections.

All the rest of the sections and parts of sections, were deemed to be an average chance for constructing a road; although in many places not clear of stones, and perhaps some rocks: but still such places did not present any great difficulty in making a road. Of medium land on the route, there is 5,498 chains and 15 links, or 68 miles, 58 chains, 15 links. And of the rocky and swampy land on the route, there is 316 chains, 80 links, or 3 miles, 76 chains, 80 links; making a distance, in all, of 72 miles, 54 chains, 80 links.

Estimating the cost at an average price of one dollar per rod, the amount of cost will be $23,259. And also for building bridges on the whole route, we estimate the cost at $350.

The commissioners appointed by an act of the legislature of the state of New-York, passed April 21st, 1828, for the purpose of exploring, laying out and opening a road from Cedar Point, westward, through the towns of Moriah and Newcomb, in the county of Essex, beg leave to make a brief statement of their doings in relation to the said road. The commissioners did explore the country in various directions, for the purpose of finding a good route for the road; and after encountering some difficulties, in so uneven a country, they are perfectly satisfied that they have found a route, where a good road may be constructed. They have surveyed the same, and made returns of the map and assessment roll (embracing all the lands lying within three miles of the said road) to the comptroller's office. The commissioners have also made contracts with a number of individuals, to construct the whole road, at an average price of about three hundred dollars per mile; the whole to be completed in the course of next season: And these contractors are preparing their implements, tools and provisions for their jobs, building temporary huts to secure their provisions, until the spring opens, so that they may commence their operations as early in the season as possible. There is about twelve miles and three quarters of the road nearly completed; so much so, that the lumber from West Moriah, (nearly all of it) is taken on this road to Lake Champlain, at Cedar Point, regularly all this winter, in the state this section is now in. A span of horses will take, at a load, from seventy-five to an hundred plank, over from Schroon river to the lake.

JOHN RICHARDS,
NATHAN SHERMAN,
Commissioners.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature, and that the same be referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Ordered, That the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," be the order of the day for Friday next.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition of sundry inhabitants of the county of Oneida, and the petition of sundry inhabitants of the town of Cicero in the county of Onondaga, and the town of Hastings in the county of Oswego, praying for the passage of a law to authorise the lowering of the Oneida lake, and the improvement of the navigation of the Oneida river; and that the said petitions be referred to the select committee on that subject, of which Mr. Savage is chairman.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to divide the town of Kirkland in the county of Oneida," and that the said bill be committed to a select committee, consisting of the members attending this house from the county of Oneida, to consider and report thereon.

Mr. W. Hall gave notice, that at some future time, he would ask leave to introduce a bill to amend the act entitled "An act laying a duty on strong liquors, and for regulating inns and taverns."

Mr. Sloughter gave notice that he would, on some future day, ask leave to introduce a bill to alter the time of holding town-meetings in the towns of Starks and Danube in the county of Herkimer.

Mr. P. C. Fuller gave notice that he would, on some future day, ask leave to introduce a bill to encourage the establishment of high schools in the different counties of this state.

On motion of Mr. Mann,

Resolved, That the committee on claims be discharged from the further consideration of the petition and documents of Timothy Tallman, and that the same be referred to the attorney-general; and that he be requested to report to this house, the nature and kind of relief, (if any,) which, in his opinion, ought to be granted to the petitioner.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, entitled "An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer, Fairfield and Germanflatts, in the county of Herkimer," and find the same correctly engrossed.

The said engrossed bill, entitled "An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer, Fairfield and Germanflatts, in the county of Herkimer," with the engrossed amendments, was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Pursuant to the act entitled "An act regulating the time and manner of electing general state officers, justices of the peace, and prescribing the number of coroners to be elected in each county by the people," and agreeably to the concurrent resolution of the Senate and Assembly of yesterday, the house proceeded to nominate a secretary of state; when each member present openly nominated as follows:

For Azariah C. Flagg.

Mr. Al Burtis	Mr. Davenport	Mr. Hubbard	Mr. Seeley
Mr. Allison	Mr. Dayton	Mr. Hubbell	Mr. Skinner
Mr. Armstrong	Mr. Dean	Mr. Hynds	Mr. Sloughter
Mr. Arnold	Mr. Dyckman	Mr. Ives	Mr. A. Smith
Mr. Austin	Mr. Dygert	Mr. Jenkins	Mr. T. L. Smith
Mr. Bacon	Mr. Edgerton	Mr. Judd	Mr. Soper
Mr. E. Baker	Mr. Efner	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Eldridge	Mr. C. L. Livingston	Mr. Spier
Mr. Bogert	Mr. Falley	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. Fitch	Mr. Mann	Mr. Tabor
Mr. Boynton	Mr. Fowler	Mr. Mathews	Mr. Tailor
Mr. Bradish	Mr. Franklin	Mr. M'Crea	Mr. Tower
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Brown	Mr. Gosman	Mr. Morell	Mr. P. Van Buren
Mr. Burt	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Cargill	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Redfield	Mr. Williamson
Mr. Collier	Mr. Hedges	Mr. Ruggles	Mr. Wyckoff
Mr. Curtiss	Mr. Hornbeek	Mr. Savage	Mr. Young
Mr. Dana			85

For James Clapp.

Mr. Bailey	Mr. Fleming	Mr. Goodman	Mr. Norton
Mr. Barnett	Mr. P. C. Fuller	Mr. Hascall	Mr. Scott
Mr. Carley	Mr. Garbutt	Mr. Hazeltine	Mr. Sheppard
Mr. Dickson	Mr. Garnsey	Mr. Mixer	Mr. Williams
Mr. Fillmore			17

For John Van Ness Yates.

Mr. Defreest	Mr. Heermans	Mr. M'Niel	Mr. Sill	
Mr. Gardiner	Mr. Johnson	Mr. Randall	Mr. Wheeler	
Mr. Gross	Mr. J. M'Donald			10

The house then proceeded to nominate a treasurer, when each member present openly nominated as follows:

For Abraham Keyser.

Mr. Al Burtis	Mr. Dayton	Mr. Hubbard	Mr. Savage	
Mr. Allison	Mr. Dean	Mr. Hubbell	Mr. Seeley	
Mr. Armstrong	Mr. Defreest	Mr. Hynds	Mr. Sill	
Mr. Arnold	Mr. Dyckman	Mr. Ives	Mr. Skinner	
Mr. Austin	Mr. Dygert	Mr Jenkins	Mr. Sloughter	
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. A. Smith	
Mr. C. Baker	Mr. Efner	Mr. Judd	Mr. T. L. Smith	
Mr. E. Baker	Mr. Eldridge	Mr. Lindsley	Mr. Soper	
Mr. Baragar	Mr. Falley	Mr. C. L. Livingston	Mr. Speaker	
Mr. Bogert	Mr. Fitch	Mr. Mallory	Mr. Spier	
Mr. Bostwick	Mr. Fowler	Mr. Mann	Mr. Stanton	
Mr. Boynton	Mr. Franklin	Mr. Mathews	Mr. Tabor	
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor	
Mr. Brinkerhoff	Mr. Gardner	Mr. J. M'Donald	Mr. Tower	
Mr. Brown	Mr. Gosman	Mr. W. M'Donald	Mr. J. Van Beuren	
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren	
Mr. Cargill	Mr. Graves	Mr. Morell	Mr. Vanderbilt	
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. Van Wyck	
Mr. Case	Mr. J. Hall	Mr. Noble	Mr. Waugh	
Mr. Chandler	Mr. W. Hall	Mr. Paige	Mr. Wheeler	
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. White	
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. Williamson	
Mr. Dana	Mr. Heermans	Mr. Redfield	Mr. Wyckoff	
Mr. Davenport	Mr. Hornbeek	Mr. Ruggles	Mr. Young	96

For George Merchant

Mr. Bailey	Mr. P. C. Fuller	Mr. Hascall	Mr. Scott	
Mr. Barnet	Mr. Garbutt	Mr. Hazeltine	Mr. Sheppard	
Mr. Carley	Mr. Garnsey	Mr. Mixer	Mr. H. D. Smith	
Mr. Fillmore	Mr. Goodman	Mr. Norton	Mr. Williams	
Mr. Fleming				17

For George Tibbits.

Mr. Dickson	1

The house then proceeded to nominate a surveyor-general, when each member present openly nominated as follows:

For Simeon De Witt.

Mr. Al Burtis	Mr. Dayton	Mr. Hubbard	Mr. Savage	
Mr. Allison	Mr. Dean	Mr. Hubbell	Mr. Seeley	
Mr. Armstrong	Mr. Defreest	Mr. Hynds	Mr. Sill	
Mr. Arnold	Mr. Dyckman	Mr. Ives	Mr. Skinner	
Mr. Austin	Mr. Dygert	Mr. Jenkins	Mr. Sloughter	
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. A. Smith	
Mr. C. Baker	Mr. Efner	Mr. Judd	Mr. T. L. Smith	
Mr. E. Baker	Mr. Eldridge	Mr. Lindsley	Mr. Soper	
Mr. Baragar	Mr. Falley	Mr. C. L. Livingston	Mr. Speaker	

Mr. Barnett	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Bogert	Mr. Fowler	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. J. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Brown	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren
Mr. Burt	Mr. Graves	Mr. Morell	Mr. Vanderbilt
Mr. Cargill	Mr. Gross	Mr Myers	Mr. Van Wyck
Mr. Carrier	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hedges	Mr. Randall	Mr. Williamson
Mr. Curtiss	Mr. Heermans	Mr. Redfield	Mr. Wyckoff
Mr. Dana	Mr. Hornbeek	Mr. Ruggles	Mr. Young
Mr. Davenport			97

For James Geddes.

Mr. Bailey	Mr. Fleming	Mr. Goodman	Mr. Norton
Mr. Carley	Mr. P. C. Fuller	Mr. Hascall	Mr. Scott
Mr. Dickson	Mr. Garbutt	Mr. Hazeltine	Mr. Sheppard
Mr. Fillmore	Mr. Garnsey	Mr. Mixer	Mr. Williams 16

The house then proceeded to nominate a commissary-general, when each member present openly nominated as follows:

For Alexander M. Muir.

Mr. Al Burtis	Mr. Davenport	Mr. Hubbell	Mr. Seeley
Mr. Allison	Mr. Dayton	Mr. Hynds	Mr. Sill
Mr. Armstrong	Mr. Dean	Mr. Ives	Mr. Sloughter
Mr. Arnold	Mr. Defreest	Mr. Jenkins	Mr. A. Smith
Mr. Austin	Mr. Dyckman	Mr. Johnson	Mr. T. L. Smith
Mr. Bacon	Mr. Dygert	Mr. Judd	Mr. Soper
Mr. C. Baker	Mr. Edgerton	Mr. Lindsley	Mr. Speaker
Mr. E. Baker	Mr. Efner	Mr. C. L. Livingston	Mr. Spier
Mr. Baragar	Mr. Eldridge	Mr. Mallory	Mr. Stanton
Mr. Barnett	Mr. Falley	Mr. Mann	Mr. Starr
Mr. Bogert	Mr. Fitch	Mr. Mathews	Mr. Tabor
Mr. Bostwick	Mr. Fowler	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Franklin	Mr. J. M'Donald	Mr. Tower
Mr. Bradish	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. J. Van Buren
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. P. Van Beuren
Mr. Brown	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Burt	Mr. Gross	Mr. Myers	Mr. Van Wyck
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Carrier	Mr. W. Hall	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hedges	Mr. Randall	Mr. Williamson
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. Wyckoff
Mr. Curtiss	Mr. Hornbeek	Mr. Ruggles	Mr. Young
Mr. Dana	Mr. Hubbard	Mr. Savage	95

For Timothy Fitch.

Mr. Bailey	Mr. Fleming	Mr. Goodman	Mr. Norton
Mr. Carley	Mr. P. C. Fuller	Mr. Hascall	Mr. Scott
Mr. Dickson	Mr. Garbutt	Mr. Hazeltine	Mr. Sheppard
Mr. Fillmore	Mr. Garnsey	Mr. Mixer	Mr. Williams 16

For Isaac Hamilton.

Mr. Gardiner 1

For Frederick Whittlesey.

Mr. Skinner 1

The house then proceeded to nominate a regent of the university, when each member present openly nominated as follows:

For Benjamin F. Butler.

Mr. Al Burtis	Mr. Davenport	Mr. Hubbell	Mr. Seeley
Mr. Allison	Mr. Dayton	Mr. Hynds	Mr. Sill
Mr. Armstrong	Mr. Dean	Mr. Ives	Mr. Skinner
Mr. Arnold	Mr. Dyckman	Mr. Jenkins	Mr. Sloughter
Mr. Austin	Mr. Dygert	Mr. Johnson	Mr. A. Smith
Mr. Bacon	Mr. Edgerton	Mr. Judd	Mr. T. L. Smith
Mr. C. Baker	Mr. Efner	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Eldridge	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Falley	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr. Fitch	Mr. Mann	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. Mathews	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donold	Mr. Tailor
Mr. Bradish	Mr. Gardiner	Mr. W. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. J. Van Beuren
Mr. Brown	Mr. Graham	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Gross	Mr. Myers	Mr. Vanderbilt
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. W. Hall	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hedges	Mr. Randall	Mr. White
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Curtiss	Mr. Hornbeek	Mr. Ruggles	Mr. Wyckoff
Mr. Dana	Mr. Hubbard	Mr. Savage	Mr. Young 96

For James Wadsworth.

Mr. Bailey	Mr. P. C. Fuller	Mr. Hascall	Mr. Partridge
Mr. Carley	Mr. Garbutt	Mr. Hazeltine	Mr. Scott
Mr. Dickson	Mr. Garnsey	Mr. Mixer	Mr. Sheppard
Mr. Fillmore	Mr. Goodman	Mr. Norton	Mr. Williams
Mr Fleming			17

Thereupon,

On motion of Mr. T. L. Smith,

Resolved, That Azariah C. Flagg is hereby nominated on the part of this house, as secretary of state for this state.

Resolved, That Abraham Keyser is hereby nominated on the part of this house, as treasurer of this state.

Resolved, That Simeon De Witt is hereby nominated on the part of this house, as surveyor-general of this state.

Resolved, That Alexander M. Muir is hereby nominated on the part of this house, as commissary-general of this state.

Resolved, That Benjamin F. Butler is hereby nominated on the part of this house, as regent of the university, in the place of William L. Marcy, appointed to the bench of the supreme court of this state.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their nominations of a secretary of state, treasurer, surveyor-general, commissary-general, and a regent of the university.

Thereupon,

Resolved, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their said nominations.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

Pursuant to the constitution of this state, the Senate and Assembly having met, and compared their separate nominations for the office of secretary of state, and having found their agreement in the nomination of Azariah C. Flagg for that office:

Resolved, That Azariah C. Flagg be, and hereby is appointed secretary of state for this state.

Pursuant to the constitution of this state, the Senate and Assembly having met, and compared their separate nominations for the office of treasurer of this state, and having found their agreement in the nomination of Abraham Keyser for that office:

Resolved, That Abraham Keyser be, and hereby is appointed treasurer of this state.

Pursuant to the constitution of this state, the Senate and Assembly having met, and compared their separate nominations for the office of surveyor-general of this state, and having found their agreement in the nomination of Simeon De Witt for that office:

Resolved, That Simeon De Witt be, and hereby is appointed surveyor-general of this state.

Pursuant to the constitution of this state, the Senate and Assembly having met, and compared their separate nominations for the office of commissary-general of this state, and having found their agreement in the nomination of Alexander M. Muir for that office:

Resolved, That Alexander M. Muir be, and hereby is appointed commissary-general of this office.

Pursuant to the constitution of this state, the Senate and Assembly having met, and compared their separate nominations for the office of regent of the university of this state, and having found their agreement in the nomination of Benjamin F. Butler for that office:

Resolved, That Benjamin F. Butler be, and hereby is appointed regent of the university of this state.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain moneys to the commissioners of highways of said town;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fleming, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act changing the names of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Ruggles, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garnsey, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mathews, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising a loan to John I. Van Alen and his associates;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the resolution reported by the committee on the militia, on the petition of sundry inhabitants of the county of Yates, for a reduction of the compensation allowed to brigade inspectors; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said resolution, and agreed to the same, in the words following, to wit:

Resolved, That the petitioners have leave to withdraw their petition.

Which he was directed to report to the house; and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Mr. Savage, from the select committee, consisting of the members attending this house from the county of Oneida, to which was committed the bill entitled "An act to divide the town of Kirkland in the county of Oneida," reported, that they had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, FEBRUARY 16, 1829.

The House met pursuant to adjournment.

The petition of the Orphan asylum society in the city of New-York, praying for a renewal of their charter, was read, and referred to the committee on the incorporation of charitable and religious societies.

The remonstrance of sundry inhabitants of the counties of Herkimer and Oneida, against the renewal of the charter of the Utica and Minden turnpike road company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the general and field officers of infantry in the city of New-York, praying for an amendment of the law relating to the militia in the city and county of New-York, was read, and referred to the committee on the militia and the public defence.

The petition of sundry inhabitants of the counties of Essex, Washington and Warren, praying for the passage of a law to authorise the construction of a canal from Lake George to Lake Champlain, was read, and referred to the committee on canals and internal improvements.

The petition of James Gledhill, of the town of New-Lisbon in the county of Otsego, an alien, praying for the passage of a law to enable him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The memorial of sundry freeholders and inhabitants of the town of Otego in the county of Otsego, praying for the appointment of commissioners to alter the route of a certain road in said town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the towns of Belfast and Caneadea in the county of Allegany, praying for an alteration of the division line between said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the counties of Tioga, Steuben, &c. praying for the passage of an act authorising the construction of a canal from the head of the Seneca lake to Newtown, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the town of Richmond in the county of Ontario, praying for a division of that town, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Montgomery, praying for the incorporation of a company to construct a rail-road from Otsego lake to the Erie canal, was read, and committed to a committee of the whole when on the bill upon that subject.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the memorial of the president and directors of the First Great Southwestern turnpike road company, reported:

That although their own investigations have extended back to the first incorporation in 1805, under which twenty-four miles of this road had been then already completed, yet they are of opinion that the present inquiry for every necessary and useful purpose of deciding on the merits of the case presented, is limited to the period of the act of incorporation, passed March 28th, 1817, which granted an assessment on the lands adjacent to this road, lying within eight miles from its site.

After the assessment under the latter act had been made and delivered over to the directors of this company, and before any monies had been collected, it was on the complaint of a single individual whose land had been assessed, removed by certiorari into the supreme court, who exercised an authority by injunction to restrain the directors from enforcing the payment of the monies assessed; which suspension continued from the spring of 1818 till the August term of the supreme court in 1820, when the assessment was pronounced invalid, on no other ground than for not having been completed before the power vested in the commissioners appointed to make it, had, in the judgment of the court, ceased; who so construed their authority, as to be impliedly limited within the period of time that the first instalment of the monies to be assessed, was made payable in the act.

All the evils complained of, originated out of this suspension and ultimate decision. The necessity or propriety of authorising such an assessment, the committee think, cannot now be considered an appropriate or material inquiry, inasmuch as the policy and responsibility of authorising assessments for roads, rested with the legislature who made the grant—by whose enactment it became a vested right in this incorporation, which any subsequent legislative body are bound to respect and uphold, as an authority passed from the legislature to the incorporation. That this authority was not given without the fullest inquiry and investigation is apparent. It is ascertained from our journals of legislation, that the first application for the grant was made two years antecedent to its passage, and was acted upon by the senate in that and the succeeding session; but in both those sessions it did not finally pass. It remained unacted upon definitively, among the unfinished business of the senate, in the first session.

and of the assembly, after having again passed the senate in the second session, Thus it appears, that previous to three successive applications, public notices of the intention to apply for such a grant, had been published in newspapers printed in each county through which the road was to pass, and also by the state printer. The general law under which such publicity was given, was intended seasonably to apprise the whole community of the application. It cannot, therefore, be supposed that any individual, who felt an interest to resist the passage of the grant, can seriously allege that it was surreptitiously obtained.

By the act of incorporation, passed March 28th, 1817, the legislature authorised an assessment to be made for the use of the company, who became bound therewith to complete a road, principally through an unsettled wilderness of one hundred and two miles in length, and directed the person administering the government, by and with the advice and consent of the council of appointment, to appoint three discreet and disinterested persons, to make such assessment. In the execution of the powers thus delegated, the agents appointed by the state, failed; which discomfiture has subjected the company to an expense of $5,950, in making the necessary assessments and surveys, besides the entire labor, equal to about thirty miles of finished road, made under contracts requiring all the work to be done in advance, and to be completed before January 1820; for which a compensation of $1,200 per mile was due from the company to their contractor.

From the facts above detailed, the minds of the committee have been drawn into a belief that it is within the power of the legislature, either to confirm the assessment so deliberately made and completed, or to authorise one to be made in the place of it. Such a measure, if deemed advisable, would so far replace this company in its original situation, and reduce the responsibility on us to a simple additional provision for cancelling the claims which have grown out of the interruption and its long delay. For although a legislature is not amenable to the authority of courts of law or equity, still, as the dispensers of justice, they are deemed to be incapable of denying to a citizen, a claim which would be enforced by our courts as an obligation from one individual to another. When an individual obligates himself to another by a contract, for the performance of something specific, courts of equity will enforce a performance of such engagement. And we can perceive no well-founded objection to an act of confirmation; for it appears from a report made by a committee of the senate, upon a petition for a confirmation, that on first consulting the judges before whom the validity of the assessment had been contested, and the consideration of it pending, that those judges strongly recommended such a course to be taken; stating, that for giving the company an opportunity to pursue it, they had delayed making a decision upon it. A bill was accordingly reported for that purpose, and passed in committee of the whole house, where it rested the remainder of the session.

By a recurrence to the laws passed in the session of 1821, we find an act for confirming an assessment authorised to enable the Orange branch turnpike company to make a branch road from Newburgh into this main road. That act not only confirms the assessment, but also the sales of lands made under it; and affords no further relief to the complainants than an extension of the time to redeem their lands from forfeiture, about nine months.

Another law was passed in the same session which provided payment to the commissioners appointed for making this assessment, which imports a full admission of an equitable claim for compensation for services performed; although those services, by the decision of the court, became unavailable, a disinterested location of the road would naturally create disappointments, and a consequent unwillingness in some few instances to pay the assessment imposed for its construction. It does not therefore appear to be a rash or improper conclusion, that no culpable charge can be attributed to the commissioners in the performance of their duties, but rather that this application has arisen from an improvident omission or oversight of the legislature, in the mode of assessment prescribed by the act of incorporation.

The peculiar nature of the inquiry imposes on the committee a duty to make a detailed report which should furnish to the house the reasons which have governed them; and in arriving at their conclusion, that it is as a matter of right, and that their opinions should influence any member either for or against the relief prayed for by the company, but that the question might have a full investigation in the legislature, and if they are entitled to receive of the state compensation by reason of not enjoying the benefit of the above mentioned law, then they should be relieved from further expense and time in prosecuting their pretended claim.

They have prepared a bill under the circumstances alluded to in their report, and have directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to confirm an act entitled 'An act to amend the act incorporating the Neversink turnpike road company, and for altering the name and style of the said company,' passed March 28th, 1817;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of school district number 8 in the town of York in the county of Livingston, praying for a certain amendment of the law passed at the last session of the legislature, authorising said trustees to sell the old school lot belonging to said district, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Judd, from the committee on medical subjects, to whom was referred the petition of Samuel Osborn, M. D. and Felix Pascalis, M. D., praying for a repeal or modification of certain parts of the revised statutes, relating to the practice of physic and surgery within this state, and also a communication or report from the late revisers upon the same subject, reported:

That the petitioners complain "that so much of the revised statutes as requires practising physicians and surgeons to unite themselves to the county medical societies in which they belong, is a violation of the charter and corporate rights of the medical society," &c. And it further appears to the committee, that one of the principal arguments of the petitioners is, to answer a memorial or petition presented to the legislature in the winter of 1828, by the medical society of the city and county of New-York, approving of the revised statutes upon that subject, which said petition has not been referred to the committee.

Accompanying this petition, is the proceedings of a meeting of the medical profession, held in the city of New-York, on the 25th of January, 1828, of which Samuel L. Mitchill was chairman; at which meeting certain resolutions were passed, complaining of the late revised statutes, as expressed by the petitioners in their petition.

The committee are fully aware of the highly respectable character for talents and medical standing, of the petitioners, as well as of the gentlemen comprising the meeting, to which reference is made above; and they have therefore given the subject a more particular examination upon that account.

It will be recollected, that the provisions of the revised statutes complained of, were enacted in the fall session of 1827, and took effect on the first day of January, 1828, only twenty-five days before the meeting of the medical profession, the proceedings of which accompany the petition, as above stated, and

consequently, before any particular practical operation of the said revised statutes could have been witnessed; and indeed no such operation is complained of by the petitioners.

It is now more than a year since the revised statutes complained of went into operation, and since the proceedings of the meeting of the medical profession in the city of New-York, above alluded to, were published; during which time have been held the annual and semi-annual meetings of the several county medical societies in this state; and the annual meeting of the state medical society has been recently held also; at none of which meetings has the operation of the said revised statutes been complained of, or their provisions disapproved. On the contrary, so far as the committee have been able to discover, those very provisions have been, in many instances, highly commended, and particularly by the medical society of the city and county of New-York.

The committee are informed, from a source of unquestionable authority, that at the late meeting of the medical society of the city and county of New-York, there was passed a resolution in these word, to wit: "That the recently modified laws, regulating the practice of physic and surgery in this state, have not been in operation a sufficient length of time to enable us to judge of their true value, and that we deem it inexpedient to make any alterations in them at the present time."

The committee would also state, that the subject complained of by the petioners relates wholly and exclusively to regularly licensed practitioners, and to them alone; and therefore it has appeared to the committee, that, inasmuch as the great body of the regular physicians and surgeons in the state have not only not complained of the said revised statutes, but have approved of them, it would be inexpedient to repeal the said laws, according to the prayer of the petitioners.

Before concluding this report, the committee beg leave to observe, that they are aware of the very considerable excitement which prevails in many parts of the state, in relation to some parts of the late revised statutes upon this subject; and in proof of this, the committee have only to refer to the numerous petitions, now upon our tables. Those petitions not having been referred to the committee, it does not become them to speak of their merits; yet they would observe in relation to them, that so far as they have been informed, they complain of other parts of the revised statutes, not having reference to, or any connection with, that part complained of by the petition referred to the committee.

The committee, therefore, take this occasion to observe, that what they say in this report, and the conclusion to which they come, is not intended to have any reference to, or bearing upon the merits of such petitions; while they will observe, generally, that no law upon any subject can ever be expected to meet the views of all, or to be perfectly satisfactory to every man; and it is not strange or surprising, that upon a subject so vitally important to every member of community, there should exist great diversity of opinion, as to the most proper manner of regulating the same.

The committee will conclude by expressing their firm and decided belief, that there cannot be found any one, at this day, and in this age, who would advocate the abrogation of all law, regulating the practice of physic and surgery within this state; at the same time, they are free to admit, that, possibly some improvement might be made in the laws upon this subject, as they at present exist; yet, as perfection is never to be expected in any human regulation, and as has been already observed, the revised statutes upon this subject have been so recently passed upon by a legislature in whom the committee had full confidence, they cannot refrain from expressing their doubt of the propriety, or necessity of interfering with the said laws, generally, or partially, at this time.

The committee have instructed their chairman to offer the following resolution:

Resolved, That it is inexpedient at this time, to alter or amend the present laws, regulating the practice of physic and surgery in this state, and that the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Savage, from the committee on grievances, to which was referred the petition of Mary Roberts, praying to be divorced from her husband, reported:

That the committee have entered upon an examination of the subject referred to them, with all that attention and consideration which its delicacy would seem to require.

It appears from the documents before the committee, that the petitioner united herself in marriage with John Roberts, in January 1824; that previous to their union, the parties had no very intimate acquaintance with each other, until about four weeks prior to the nuptial ceremony; that the said John Roberts, on account of his corporal imbecility, was utterly incompetent to enter into the solemn contract of marriage.

The petitioner alleges that she never would have entered into the contract with the said John, if she had had any knowledge of his incapacity. The want of knowledge may be a grievance; but the committee are not prepared to say that she acted improperly in uniting herself with him without testing his capacity; neither are they prepared to say that the doctrine of quia emptores can be applied to the case before them. Divorces, in days of yore, were allowed for a great variety, and in many instances for very trifling causes. Thus, at Rome, barrenness, age, disease, madness and banishment, were the ordinary causes; to which Justinian afterwards added many others, and amongst which was that of impotency, the case for which the petitioner seeks a divorce. The Grecian laws concerning divorces, were different: The Cretans allowed divorces to a man who apprehended too great an increase in his family: The Athenians allowed divorces for many and very slight causes, which the committee deem it unnecessary to enumerate. Among the Jews, besides incontinence, ugliness, old age, or ill humour in the wife, were sufficient reasons for giving her a bill of divorce; nay, even the man's own pleasure, or the repenting of his match, were admitted as good reasons. The Mahometan law upon the subject of divorces, does not vary essentially from the Mosaic. And the committee would remark generally, that divorces have been tolerated and allowed in all ages and in all countries, whether in a state of civilization or barbarity. They would not, however, be understood, from this general remark, as yielding their assent to the opinion that divorces have in all countries been granted for justifiable causes. Their opinion is the reverse. They can not but view a facility of separation as tending to the destruction of all mutual confidence, and producing the direct effect of inflaming and magnifying every trifling misunderstanding into a sufficient cause to induce an application for a separation.

According to *Blackstone*, an author whose *name* the committee conceive may not inappropriately be introduced on this occasion, divorces in England are of two kinds; the one total, the other partial; the one *a vinculo matrimonii*, the other *a mensa et thoro*. And that learned author remarks, that "if the cause existed previous to the marriage, and was such an one as rendered the marriage unlawful ab initio, as consanguinity, corporal imbecility, or the like; in this case the law looks upon the marriage to have been always null and void, being contracted fraudum legis, and decrees not only a separation from bed and board, but a vinculo matrimonii itself."

The committee also find that by the revised laws of our own state, which however have not yet gone into operation, the case of the petitioner is recognized as a good cause for divorce; and were these statutes now in force, the committee would deem legislation on the subject unnecessary. But inasmuch as the petitioner is obliged to support herself by hard labor in the capacity of a servant, and her earnings are demanded from her employers by her husband, and the employer rendered liable to a prosecution for those earnings, they view her case as entitled to the favorable consideration of the legislature.

The committee would remark, in addition, that it fully appears before them, that the said Mary found it necessary to leave her said husband in November

1827, in consequence of a continued series of abuse, beating, and violent ill treatment; and that since that time, she has had to depend wholly upon her own resources as above stated, for her support: That the fact of the husband's incapacity is established, not only by the oath of the said Mary, but also by several accompanying affidavits; and among others, by the affidavit of an individual who made a personal examination of the said John Roberts.

It may not be improper to remark, that the committee is composed entirely of laymen; and should they have arrived at a wrong conclusion upon the matter submitted to them, the professional part of the house will have ample opportunity of correcting it. Upon the whole, they have concluded to administer to the wants of the petitioner, so far as law will go to relieve her destitute condition; and should this prove inadequate, they would leave it to a more ingenious portion of the house to devise a way to redress her grievances. The committee have instructed their chairman to ask leave to introduce a bill for the relief of the petitioner.

Ordered, That leave be given to bring in sueh bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act granting a divorce to Mary Roberts;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Starr, from the select committee to which was referred the petition of Ann Eliza Babcock, praying for an alteration of her name, reported:

That the petitioner is an orphan: That for several years past, she has resided in the family of James Sealy, of the city of Albany: That the said Sealy and his wife, who are aged and respectable people, and without children, have recently adopted the petitioner, and that it is their intention to make her the heir of what property they may possess at their decease. Under these circumstances, the committee see no reason why the prayer of the petitioner should not be granted, and have accordingly instructed their chairman to ask leave to bring in a bill.

Ordered, That leave be given to bring in such bill.

Mr. Starr, according to leave, brought in the said bill, entitled "An act authorising Ann Eliza Babcock to take the maiden name of Sealy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president," reported, that they have examined the said bill, prepared an amendment thereto, with which see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Hazeltine, from the select committee to which was referred so much of the message of his excellency the governor, as relates to the abduction of William Morgan, and the proceedings under the act passed the 15th day of April, 1828, reported in part:

That they have endeavored to give the subject that attention which its importance demands, and to pursue their investigations in that spirit of candor that should characterise an inquiry into matters of so much delicacy; and respecting which, there exists great public excitement. They cannot flatter themselves however, that they have carried nothing of feeling with them, into the investigation of the subject; for coming, as most of them do, from what has been sometimes termed the "infected district," it is hardly to be supposed, that they should be indifferent, in the midst of a community greatly agitated. Still, they trust, that they have so far succeeded in discussing it dispassionately, as to lay before you no facts, except such as have the impress of authenticity, and to draw no inferences, which are not fairly deducible from established premises.

The message of his excellency the governor, treats the subject as one which may require the interposition of the legislature, and to the committee has been assigned the task of ascertaining what legislation is necessary. It being highly

important that the legislature should be in possession of the facts in every case, respecting which they may be called to legislate, the committee believed it to be their duty to collect and spread before this house a statement of the circumstances of this extraordinary affair, together with the causes which produced them, so far as the same have been ascertained. For this purpose, they directed their chairman to address letters to the Hon. Daniel Moseley, special counsel, appointed by the executive of this state, under the act passed April 15, 1828, and to Bowen Whiting, Esquire, district attorney for the county of Ontario, requesting from them, a statement in detail, of such particulars of the transaction as may have come to their knowledge, in the discharge of their official duties.

The committee were aware that the circumstances relating to the Morgan outrages, had been collected and published in a pamphlet form, and in some public newspapers, by a number of respectable gentlemen, selected for that purpose, by their fellow-citizens in public meetings; and that notwithstanding these gentlemen, some of whom have seats in this house, affixed their own signatures to these publications, no attempt had been made to disprove their statements. Still, as there exists a disposition in our country to discredit statements which are made through the organ of the periodical press, and it being desirable to lay before this house such data as might with proper safety be relied upon, by those who may be called to act in this grave matter, the committee thought it better to refer you to statements emanating from those whose official duties have made them acquainted with these singular transactions. It has been too long the opinion of many that the "western excitement" belonged more properly to our newspaper, than to our judicial history; and events more alarming in their character, when viewed in all their bearings, than any that have transpired in the course of many years, have been regarded rather as romance than as solemn matters of fact. In making this statement, the committee mean no reflection upon the intelligence of this house or this community. The state of feeling and the incredulity that have existed in many places, with regard to this matter, have proceeded from an honorable confidence in our free institutions, and in the integrity of our fellow-citizens, which bespeak great elevation of sentiment and nobleness of spirit; but which at the same time shews with what ease our good nature may be practised upon by the artful and designing.

The call for information, made upon Mr. Whiting, was answered by the accompanying statement, marked A. And the committee would take the liberty of expressing their acknowledgments to this gentleman for his promptitude and frankness in preparing for them, in midst of pressing professional engagements, a statement so full and satisfactory.

From this statement, it appears, that in the summer of 1826, a notice was inserted in the Ontario Messenger, a newspaper published at Canandaigua, by the procurement of some of those who were afterwards concerned in the outrages, representing Morgan to be guilty of bad conduct, and that particular information might be had respecting him, on application to the lodge in that village. During the summer of that year, it was reported that Morgan was writing a book on free masonry, to be published by David C. Miller of Batavia; and this report was confirmed by subsequent events. Much feeling was excited amongst many members of the masonic fraternity, in consequence of this report; and meetings were held in many places, to consider of measures by which the publication of the book might be prevented. A Canadian, whose name is Johns, and who is said to have belonged to the British fur company, was introduced to Miller, under pretence of assisting him in the publication, but in reality for the purpose of acquiring information where Morgan's writings were to be found. Through his aid, the conspirators were enabled to obtain the possession of a part, at least, of Morgan's manuscripts.

On the 11th of September, persons from Lockport, in the county of Niagara, 90 miles distant from Canandaigua, applied at Fort Niagara for a place of confinement for Morgan, because he was about "to reveal the secrets of masonry." The day before, Ebenezer C. Kingsley, of Canandaigua, by the per-

suasion of Nicholas G. Cheesebro and other, of that place, made a complaint against Morgan, before a magistrate, for stealing a shirt and cravat, the property of Kingsley. A warrant was issued on this complaint by the magistrate, directed to Cheesebro, as one of the coroners of Ontario county, or to any constable of that county, for Morgan's arrest. It was delivered to Cheesebro, who hired a post-coach, and procured Holloway Hayward, a constable, and three or four others, to accompany him to Batavia, where Morgan resided. The party arrived at Batavia the same day, and the next morning the warrant was served by Hayward, it having been first endorsed by a magistrate of Genesee county. Immediately after the arrest, the same party returned to Canandaigua, and arrived in the evening. Morgan was taken before the magistrate, examined and discharged from the arrest, the charge of larceny appearing to be unfounded, the shirt and cravat having been borrowed from Kingsley.

Immediately on his being discharged, a demand of two dollars was presented to the justice against him, in favor of Cheesebro, as assignee of one Ackley. Morgan confessed a judgment, and an execution forthwith issued. He took off his coat and offered it to satisfy the execution, but it was refused, and he was arrested and locked up in prison.

Information that Morgan was in custody, was immediately sent to Rochester to certain persons there, or to use the language of Cheesebro, to Morgan's *friends* in that place, some of whom came to Canandaigua the next day, for the purpose of carrying him off. A carriage was stationed a few rods from the gaol, where it might be ready to start at a given signal. Previous to this, Loton Lawson had been at the gaol, had seen Morgan, and proposed to Mrs. Hall, the wife of the gaoler, (he being absent,) to pay the debt out of friendship to Morgan, and release him from prison. Mrs. Hall at first refused to comply, but on Cheesebro and Sawyer's recommending it, she consented to release Morgan. As she went towards the prison, Lawson went to the street door and made a signal. She turned, and saw a man come up the steps. She released Morgan, and on going to the door, saw him between Lawson and the man who came up the steps, struggling and crying *murder*. His mouth was stopped, and he was forced off down the street. In the struggle, Morgan lost his hat. One of the party made a signal by rapping on a well curb, when the carriage started after them, took them in, and went towards Rochester.

The carriage was driven by Hiram Hubbard, who has testified that he drove the party a little beyond Handford's Landing, near the east end of the Ridge Roard, where he arrived about sunrise; and that they got out at a place, distant from any house. On his return, and at a short distance from the place where he left the party, he met a carriage with a pair of horses. The same day, a carriage was procured from Ezra Platt, of Rochester, under pretence of going to Lewiston, to the installation of a lodge. Mr. Platt has been examined as a witness, and denies recollecting who hired the carriage. He says that it was applied for before day light, and that the driver has left the country, but that he does not now recollect his name. On that day, a carriage passed along the Ridge-Road to Lewiston, under peculiar and extraordinary circumstances, not stopping at public houses, drawn by horses belonging to persons living on the road, which were changed in bye-places, and driven by men who would not ordinarily be engaged in that business. This carriage stopped in a back street at Lewiston; and on the morning of the 14th, at a very early hour, another carriage was procured to go to Fort Niagara. The latter carriage was driven by Corydon Fox, a stage driver, who was directed to go to the one standing in the back street for his passengers. Fox states that he did so; that four or five men left that carriage and got into the one driven by him. One of the men had no hat, and appeared to be helpless. He then drove towards the fort, called by the way at Col. King's, took him in, and when near the fort, left the whole party in the road, and returned to Lewiston. It is proved, that on that day, a man was in confinement in the magazine attached to the fort. Mr. Whiting adds, that it can now be proved that Morgan was in the carriage that passed along the Ridge-Road on the 13th of September, 1826.

He also subjoins a statement of the testimony of Edward Giddins before the grand jury of Ontario county, and which said Giddins has published. Mr. Giddins, on the trial of Eli Bruce, Esquire, late sheriff of Niagara, was offered a a witness and rejected, on the ground of religious belief. Mr. Whiting, however, seems to credit his statements, which he says are corroborated in some important particulars by other witnesses. From his statement we learn, that Morgan was confined in the magazine at Fort Niagara; and if we give his statement credence, we must come to the conclusion, that he was finally murdered. Mr. Whiting comes to that conclusion independent of the testimony of Giddins; and the committee believe that he is fully warranted in so doing, by the facts and circumstances which he has detailed. Mr. Moseley, in his communication to the committee, which also accompanies this report, states that he has ascertained material testimony in relation to the abduction, since the making of his report to the executive; and adds that he has been put in possession of some information of a *graver* character, from a source entitled to credit. The committee, therefore, feel justified in saying, that there is very little reason to doubt but that a free citizen of this state has been deliberately put to death by highly respectable individuals, and that many men in high standing were privy to the designs against him, and assisted in the preliminary measures, although perhaps but few directly participated in the final catastrophe.

It may be proper to mention in this connection, that at a trial at Batavia, not particularly referred to by Mr. Whiting, three men were convicted of a daring outrage upon the person and liberty of Col. Miller, who was associated with Morgan in the publication of the book on masonry. This outrage was committed on the same day that Morgan was forcibly carried away from the gaol at Canandaigua. A principal actor in this affair, was the Canadian, Johns, who, eight days before, had suddenly disappeared from Batavia. But the committee will not tax the patience of this house, by a recital of the particulars of this outrage, and of several others committed or attempted against the persons and property of Miller and Morgan, and in which many persons are known to have participated.

Although the special counsel appointed by the executive, has interposed a caution against speaking of "societies and denominations of men," in relation to the subject of these inquiries, the committee feel bound to state, that in their opinion, if the abduction of Morgan is chargeable upon individuals, acting "as such," it is likewise chargeable upon them as members of a powerful society, existing in our state, claiming a high character, on which has been bestowed many marks of public favor, and whose annual convocations and dazzling honors have been regarded with great interest, and sought for with much avidity. The committee are not insensible that they are preferring a grave charge against an institution, which has many bright and honorable names enrolled amongst its votaries; still they conceive that the true character of the transaction, and its relative importance, are to be ascertained by adverting to the causes which produced it, and the motives which actuated the perpetrators.

The active and persevering district attorney of the county of Ontario, who has carefully investigated the whole matter, states it as proved, "that the motives which actuated those who conspired against Morgan, were to prevent the publication of his book on free-masonry. The same objects were avowed in the meetings in Genesee county, by those who visited Fort Niagara, by those who acted in Canandaigua, and by those who came to Canandaigua in consequence of the information sent to Rochester. So far, therefore, as their motives were then avowed, the suppression of Morgan's publication was the object to be effected, and the abduction of the man was the means by which that object was to be accomplished."

"The abduction of Morgan," says Mr. Whiting, "is a singular and striking event in our history; and as in case of other irretrievable evils, it is easier to lament it, than to find a remedy. I have no hesitation in saying, that it has resulted from the confidence which members of the masonic society have felt in its power and influence; from a false estimate of the value of that institution, and from an opinion that they were bound to preserve it from violation and in-

jury." And he adds in conclusion, "It is worthy of remark, that it has been proved or conceded, that all those who have engaged in these outrages were members of the masonic fraternity, a fact not without meaning in reference to the objects of the conspiracy."

A proper consideration of these facts, fully established by solemn judicial investigation, will lead to a due estimate of the subject, referred to by the committee. Some have wondered why the abduction, or even the murder, of a comparatively obscure individual, should be considered of so much importance. Had he fallen in deadly strife with his fellow, or had a single assassin planted a dagger in his heart, the event and its circumstances would long since have ceased to interest the public. It is the offence against the dignity of this state, and the just grounds of alarm, indicated by the character of the transaction, which gives it its relative importance. Many cases of personal suffering may be pointed out in our history, which, if the individuals only are to be taken into consideration, must be regarded as much more afflictive, than the case of the American seaman, who was shot by British authority in the harbor of New-York, and whose death caused such great sensation. Still his death was justly considered a matter of national concern, whilst others, who fell by private assassins, were soon forgotten. A wound was inflicted upon our national honor, which awakened the sensibilities of this whole nation. We felt, that such aggressions on our sovereignty should be repelled, and that the permanence and stability of our institutions could only be secured, by showing our neighbors that such acts could not be committed with impunity. If the spirit and feelings that were then excited were just and proper; if that event was considered an alarming outrage, principally in consequence of the source from which it proceeded, does it not follow that the offence committed against the majesty of the people, in the case of William Morgan, should excite general interest. The members of a wide spread association, whose principles and operations are studiously concealed from the public view; who claim for their body high antiquity and distinguished renown; who assume imposing titles, and display the badges of royalty, feeling themselves bound to preserve their own institution from violation, have violated the majesty of the laws, and trampled upon those fundamental principles, on which are based our free institutions.

The committee believe, that such an act, from such a quarter, is to be regarded as more alarming in its character than a simple outrage, committed by the agents of a foreign government. It is much more easy to repel the assaults of a foreign enemy, than to counteract the wiles and machinations of a domestic foe. The security of our free institutions, in a great measure, depends upon their due estimation by those who enjoy their benefits. If our honorable, learned and influential citizens consider themselves bound to an invisible power, existing amongst us, by stronger ties than their allegiance to that country which so amply protects them in the enjoyment of life and liberty, and in the prosecution of those pursuits which they deem essential to their happiness; if reckoning upon the strength and influence of that power, and with a direct view to its preservation, they venture upon the exercise of the highest acts of sovereignty, thus contemning the sovereign authority of this state, have we not just ground for alarm?

The committee are sensible that they have stated a strong case, but have they stated a stronger one than is detailed by Mr. Whiting, if we allow that he has not mistaken the true character of the transaction, and the motives of the actors in that sad tragedy? What have they alleged, that is not fully said by a faithful public officer, who has had every opportunity to judge correctly in this matter, and whose relation to those concerned, precludes the idea, that he has misconstrued their motives? Well might the distinguished public officer, who now presides over the other branch of the legislature, say, that those who perpetrated this outrage, "have disturbed the public peace, have dared to raise their paricidal arms against the laws and *constitution* of our government, and assumed a power which is incompatible with a due subordination to the laws and public authority of this state." Following up the idea of the same distinguished individual, the committee add, that such attacks upon the sovereign pow-

er, of which every citizen is a constituent member, should be resented and guarded against.

The committee believe that an idea has too long prevailed, that this is a trivial affair; and therefore, they have dwelt longer upon this branch of the subject, than would otherwise have been necessary. They forbear to descant upon the reasons that have given currency to this idea, and the cold indifference with which it has been regarded, by a body of men whose members, for a series of years, have filled a great proportion of the responsible stations in every department of the government. The citizens of those counties where these outrages were perpetrated, when they discovered the intimate connection between them and freemasonry, expected that the members and officers of that institution would have been foremost in ferreting out the guilty individuals, and unwearied in their exertions to wipe from its escutcheon so foul a stain. It was certainly reasonable to suppose that an institution laying claim to the greatest purity of principle, would have made liberal contributions of its funds and exertions, in bringing to light this dark, nefarious and alarming transaction; that at least, they would have affixed some mark of disapprobation upon those whose conduct was so criminal, and so directly calculated to bring their fraternity into disrepute. The committee cannot learn however, that any such measures were deemed necessary by the institution. They cannot but think that this apparent apathy solemnly admonishes us, as a people, to inquire into its causes; and why it is, that when members of this society are frequently debarred from its privileges, for offences which are not cognizable before our courts, the perpetrators of these flagrant enormities should not be considered guilty of "unmasonic conduct," and treated accordingly. The inquiry naturally suggests itself, was that confidence in the power and influence of their society which led these men to the commission of such crimes, such as the principles of that society warranted them in entertaining; and was their construction of their masonic obligations, that which is fairly inferrable from those obligations? The standing of these men in society and with the *craft;* their numbers; their avowed motives, with reference to this affair; and the treatment they have received from their brethren, certainly justify the presumption that they were not mistaken; and would, if we had no other evidence, afford the strongest grounds for suspicion. But on this subject. we are not left to conjecture. The principles and obligations of masonry are well known to at least one member of the committee; and they afford a complete solution to this inquiry. Several of the obligations, taken by members of this society, as published by a convention of seceding masons, who were led to an examination of the principles of the institution, in consequence of the outrages committed in their neighborhood, were laid before the legislature at the last session, and are herewith submitted, for the consideration of this house. These obligations, taken in connection with those published by Morgan, (for the authenticity of which, we have evidence of the most *conclusive*, as well as the most painful kind,) too plainly show the truly appaling fact, that those deluded men whose hands are probably stained with a brother's blood, though politically and morally wrong, were *masonically* right. This, in the view of the committee, is the most distressing and alarming feature in the whole transaction.

To the sincere patriot, to every citizen, it affords matter for *grave* reflection, that these men, some of whom have had seats in this house, and held high and responsible stations, should have calculated with so much confidence on being shielded from public vengeance, although guilty of high enormities, by the power and influence of a secret society. Whether they supposed that their society afforded facilities for the commisssion of crimes, without the possibility of detection, or whether they calculated on corrupting the fountains of justice. the fact is equally interesting to every lover of his country. Did these men suppose, that masons in high stations would interpose the broad shield of their authority to protect them in their high handed villainy, in their "preconcerted and deliberate" attack upon the laws and constitutions of their country? Did they suppose, that witnesses and jurors, feeling themselves bound by masonic obligations, would lose sight of their duty to their country and their God? The

committee take no pleasure in dwelling upon this subject; still, it is one which requires a thorough investigation. A society of men, who meet in secret, embracing all ranks of life, comprising many men of talents, and a very large proportion of those who hold high and responsible stations, is looked up to with confidence by its intelligent and respectable members, as affording a sure protection from the consequences of the most infamous and dangerous crimes; and what is worse, as binding them, in certain cases to the commission of crimes. Yet this society boasts of her charities, professes to teach the most expansive benevolence, and carries in her public processions the volume of inspiration. Why this confidence? How do they expect protection in such cases, except by trampling under foot all that is dear to us as freemen?

Whether the existence of such a society, holding her meetings in secret places, guarding the entrance to their conclaves with the instruments of death, binding her votaries with such ties, affording them protection when in difficulty, "right or wrong," regarding her own laws as paramount to the laws of the land, is incompatible with our free institutions, should be taken into serious consideration. The subject addresses itself to our love of country, in the most imposing form; and however disagreeable it may be, we should not shrink from the examination.

The committee are aware, that any measures which may be taken, with the view of removing this evil, will be called intolerant. It will be said, that the society or sect of freemasons, are entitled to the same protection as other associations for charitable purposes and mutual improvement. There can be no question but that freemasons have a right to assemble, and transact their business in their own way, so long as their business is lawful, and they in no way injure others, or endanger the state. But that men may meet for any purpose, and form associations, whose tendency is to screen the guilty and sap the foundations of civil liberty, is inconsistent with the genius of our government. Every government has the right to provide for its own safety, and to prohibit any thing that tends to its own subversion. A government without such right could be of no value to the community that adopted it.

If freemasonry has dangerous features, there certainly can be no doubt of the right of the legislature to require those features to be expunged. If it is, as its friends contend, merely an association to promote charity and social intercourse, it has no occasion for such obnoxious oaths, of a character so different from the real objects of the institution. Why such horrid penalties to enforce the practice of such duties, and to effect such objects?

The committee cannot believe, that the rights of any citizen would be abridged, by forbidding him to put himself under such obligations, or to partake in rites, directly calculated to corrupt the public morals. We have not only a right to prohibit crime, but to prevent men from binding themselves to its commission.

The committee believe, that the institution of freemasonry owes its dangerous character to its obligations, which are imposed, as they are informed, upon noviciates, without making known to them their nature. Destitute of their sanctions, and the bond of union they produce, (the sure consequence of the barbarous penalties that are interwoven into their texture,) it would lose its mischievous tendency, and be completely shorn of its locks. Its boasted cement, which owes its influence to one of the strongest, though not the noblest, passions of the human heart, would lose its power; and the mighty edifice that affects to defy the "world in arms," would fall by its own weight. If freemasons are tenacious of their ornaments, badges, and vestments, let them continue to use them, and to display them in public, if it will afford them any amusement or pleasure. But certainly it is asking too much of this community, to require us to tolerate them in the use of oaths which tend directly to sap the foundations of our free institutions, and to subvert the citadel of liberty.

The committee believe that the passage of a law, prohibiting the administration of extra-judicial oaths, would produce many salutary results, disconnected with the masonic institution. The committee who, at the last session, reported the bill to prevent the administration of such oaths, say, with great

force and justice, that "the frequent, unauthorised, and irreverent administration of oaths, has a powerful influence to destroy that religious sensibility to their nature, and that scrupulous and conscientious regard to all their requirements, which alone entitle them to confidence. Great and enlightened men have, with one accord, condemned the multiplication of oaths, with or without the sanction of law, as immoral and impolitic." If such remarks are oorrect with respect to oaths administered in the usual form, what shall we say of those presented to the consideration of the house, and which are said to be taken under circumstances of peculiar degradation? It must be perfectly obvious to every one, who will make himself acquainted with their nature and provisions, that they must frequently put it in the power of men, desperate in principle and depraved in morals, to exercise a commanding influence over men of pure principles and upright intentions; that not unfrequently the virtuous citizen finds his known duties clashing with his masonic obligations. Cases must frequently occur which require a conscientious individual, either to disregard an oath imposed by the authority of his country, or one he has taken in a masonic assembly. Cases so distressing and embarrassing should always be prevented if practicable, as they serve to ensnare the conscience, to blunt the moral sense, and to weaken the security which is sought to be obtained by requiring the confirmation of an oath.

The committee forbear to enlarge upon the ease with which an institution, constituted as freemasonry is, might affect our elections and keep its influence out of sight. The citizens of the western counties, when their attention was called to the subject, by the strange transactions which took place amongst them, were surprised to find that nearly every high judicial and ministerial station, in that section of the state, was filled by members of the order. In fact they almost literally filled "every department of the government." It should also be remembered, that one of its votaries has asserted, when speaking in the name of his brethren, on a public anniversary, (and whose boastings, not altogether idle perhaps, have been extensively circulated in masonic newspapers and publications,) that "masonry has the power of co-operating in the desk, in the legislative hall, on the bench, in every gathering of men of business, in every party of pleasure, in every enterprize of government, in every domestic circle, in peace and in war, among its enemies and friends, and in one place as well as another." This idea of masonic influence, it will be seen, accords with that "confidence" to which an able and faithful officer of the government ascribes the untimely fate of the unhappy Morgan.

In directing their inquiries towards that part of the subject which has relation to the legislation that may be necessary in reference to this subject, the committee have deemed two things important: first, to provide for the detection and punishment of those who committed the outrage, and then to guard against the repetition of similar offences. Taking into consideration the circumstances of the case, the committee are persuaded that the act of April 15th, 1828, should be continued in force. The reasons given by Mr. Whiting for the adoption of such a course are, with them, conclusive.

In order that the subject may be fully investigated, it may be necessary to make some provision for those witnesses who are required to attend the courts in distant counties. The frequent delays that have occurred, in the legal proceedings that have been had, have rendered it extremely burthensome on those witnesses who have been called to a considerable distance from their homes. Mr. Moseley recommends that provision should be made for their relief, and the committee, believing that it would promote the ends of justice, by preventing the difficulty of procuring testimony, have incorporated a provision to that effect, into a bill which they ask leave to introduce, to continue in force the act entitled "An act to provide for the employment of counsel for the purposes therein mentioned."

They also ask leave to introduce a bill to prevent the administration of extra judicial oaths.

The subject referred to the committee, being one of first impression and of vast importance, they do not feel fully prepared, at present, to say what legisla-

tion may be necessary, in relation to its full development, and the furtherance of justice. They do not, therefore, ask to be discharged from the further consideration of the subject, but wish to be indulged with further time for reflection, on the measures which should be devised for the more effectual investigation of the outrages committed on the person of Morgan, and to provide against the recurrence of events, so alarming in their character, so destructive of the peace of society, and the safety of its members.

[*For the Documents accompanying this Report, see* Appendix F.]

Ordered, That leave be given to bring in such bills.

Mr. Hazeltine, according to leave, brought in the said bill, entitled "An act to prevent the administration of extra-judicial oaths," also a bill entitled "An act to continue in force an act entitled 'An act to provide for the employment of counsel for the purposes therein mentioned;'" which were severally read the first time, and by unanimous consent were also read a second time, and committed to a committee of the whole house.

Ordered, That treble the usual number of copies of the said bills and report, and the accompanying documents, be printed for the use of the legislature.

Ordered, That the committee on colleges, academies and common schools, be discharged from the further consideration of the petition of sundry citizens of the city of Albany, praying for the passage of a law authorising a diversion of the common school fund money appropriated to the Lancaster school, to the several common schools of the city; and that the said petition be referred to the superintendent of common schools.

Ordered, That the select committee to which was referred the bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange," be discharged from the further consideration of the said bill, and that the same be recommitted to a committee of the whole, and be restored to its original number on the general order.

Ordered, That Mr. Judd have leave of absence for eight days, Mr. Van Wyck for eight days, and Mr. Soper for four days.

Ordered, That the committee on colleges, academies and common schools, be discharged from the further consideration of the petition of the directors of the Central asylum for the instruction of the deaf and dumb at Canajoharie; and that the said petition be referred to a select committee, to consist of eight members, one from each Senate district.

Thereupon,

Ordered, That Mr. Randall, Mr. Paige, Mr. E. Baker, Mr. Myers, Mr. White, Mr. Noble, Mr. Morell and Mr. Hazeltine, be the said committee.

In pursuance of previous notice, Mr. Sloughter asked for and obtained leave to bring in a bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The Senate returned, by their clerk, the bill entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot, for the purposes therein mentioned."

Ordered, That the clerk deliver the said bill to the Governor.

The annual report of Horace Turner, an inspector of beef and pork of the county of Rensselaer, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

I, Horace Turner, an inspector of beef and pork, residing in the county of Rensselaer, do hereby certify and report:

That since the first day of February 1828, under and by virtue of said office, I have inspected twenty-six barrels pork, that is to say:

Prime,..... 17 barrels.
Mess, ... 9 "

The fees for the inspection of which, amounts to $3 38

And also within the time aforesaid, I have inspected twenty-three hundred and seventy-four barrels beef, that is to say:

Prime,..... 1283 barrels.
Mess, ... 1074 "
Cargo,..... 17 "

The fees for the inspection thereof, amounting to $296 75

And I do further certify and report, that the value per barrel of pork was about, for prime $9.00, mess $12.00; and of beef, for prime $6.00, mess $8.50, cargo $4.00.

HORACE TURNER.

Troy, January 31, 1829.

Ordered, That the said report be laid upon the table.

The house then proceeded to the consideration of the report of the committee of the whole, on the resolution reported by the select committee on the subject of abolishing slavery in the District of Columbia; the said report being that the committee had agreed to the said resolution, and amended the report of the select committee by adopting an additional resolution.

Mr. Paige made a motion that the house should agree to postpone the consideration of the said report, until the 4th day of July next.

Debates were had thereon; and the question being put whether the house would agree to the said motion, it was determined in the negative.

{NAYS 64}
{AYES 61}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fleming	Mr. Johnson	Mr. Skinner
Mr. Bacon	Mr. Franklin	Mr. Jones	Mr. A. Smith
Mr. Bailey	Mr. P. C. Fuller	Mr. Lindsley	Mr. H. D. Smith
Mr. Barnett	Mr. Garbutt	Mr. Mallory	Mr. T. L. Smith
Mr. Bradish	Mr. Gardiner	Mr. Mandeville	Mr. Speaker
Mr. Brown	Mr. Garnsey	Mr. J. M'Donald	Mr. Spier
Mr. Burt	Mr. Goodman	Mr. M'Niel	Mr. Starr
Mr. Carley	Mr. Gosman	Mr. Mixer	Mr. Tailor
Mr. Chandler	Mr. Graves	Mr. Morell	Mr. Titus
Mr. Curtiss	Mr. Hammond	Mr. Myers	Mr. P. Van Buren
Mr. Dean	Mr. Hascall	Mr. Norton	Mr. Vanderbilt
Mr. Defreest	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Dickson	Mr. Hedges	Mr. Phoenix	Mr. White
Mr. Dyckman	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Eldridge	Mr. Holdridge	Mr. Seeley	Mr. Williamson
Mr. Fillmore	Mr. Hubbell	Mr. Sill	Mr. Young 64

Those who voted in the affirmative are—

Mr. Allison	Mr. Davenport	Mr. Hornbeek	Mr. Paige
Mr. Arnold	Mr. Dayton	Mr. Hubbard	Mr. Redfield
Mr. Austin	Mr. Dygert	Mr. Hynds	Mr. Ruggles
Mr. C. Baker	Mr. Edgerton	Mr. Ives	Mr. Savage
Mr. E. Baker	Mr. Efner	Mr. Jenkins	Mr. Sloughter

Mr. Baragar	Mr. Falley	Mr. Judd	Mr. Stanton
Mr. Bogert	Mr. Fitch	Mr. Keith	Mr. Tabor
Mr. Bostwick	Mr. Fowler	Mr. C. L. Livingston	Mr. Tower
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. Mann	Mr. Van Wyck
Mr. Cargill	Mr. Graham	Mr. Mathews	Mr. Waring
Mr. Carrier	Mr. Gross	Mr. M'Crea	Mr. Waugh
Mr. Case	Mr. J. Hall	Mr. W. M'Donald	Mr. Wyckoff
Mr. Collier	Mr. W. Hall	Mr. Noble	51

Thereupon,

Mr. Dayton made a motion that the house should agree to amend the report of the committee of the whole, by striking out the first of the said resolutions, which was again read, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the senators of this state in the congress of the United States, be and are hereby instructed, and the representatives of this state are requested, to make every proper exertion to effect the passage of a law for the abolition of slavery in the District of Columbia.

Debates were had thereon; and the question being put whether the house would agree to the said motion of Mr. Dayton, it was determined in the negative.

{NAYS 64}
{AYES 53}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Eldridge	Mr. Heermans	Mr. Phoenix
Mr. Bacon	Mr. Fillmore	Mr. Holdridge	Mr. Redfield
Mr. Bailey	Mr. Fleming	Mr. Hubbell	Mr. Seeley
Mr. Barnet	Mr. Fowler	Mr. Ives	Mr. Sheppard
Mr. Bradish	Mr. Franklin	Mr. Johnson	Mr. Skinner
Mr. Brown	Mr. P. C. Fuller	Mr. Jones	Mr. A. Smith
Mr. Burt	Mr. Garbutt	Mr. Keith	Mr. H. D. Smith
Mr. Carley	Mr. Gardner	Mr. Lindsley	Mr. Speaker
Mr. Chandler	Mr. Garnsey	Mr. Mallory	Mr. Spier
Mr. Curtiss	Mr. Goodman	Mr. Mandeville	Mr. Starr
Mr. Dana	Mr. Gosman	Mr. M'Crea	Mr. Titus
Mr. Dean	Mr. Graves	Mr. M'Niel	Mr. Tower
Mr. Defreest	Mr. Hammond	Mr. Mixer	Mr. Vanderbilt
Mr. Dickson	Mr. Hascall	Mr. Norton	Mr. Waugh
Mr. Dyckman	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Edgerton	Mr. Hedges	Mr. Partridge	Mr. Young 64

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Collier	Mr. Hynds	Mr. Savage
Mr. Armstrong	Mr. Davenport	Mr Jenkins	Mr. Sloughter
Mr. Arnold	Mr. Dayton	Mr. Judd	Mr. T. L. Smith
Mr. Austin	Mr. Dygert	Mr. C. L. Livingston	Mr. Stanton
Mr. C. Baker	Mr. Falley	Mr. Mann	Mr. Tabor
Mr. E. Baker	Mr. Fitch	Mr. Mathews	Mr. Tailor
Mr. Baragar	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Bogert	Mr. Graham	Mr. W. M'Donald	Mr. Van Wyck
Mr. Bostwick	Mr. Gross	Mr. Morell	Mr. Waring
Mr. Boynton	Mr. J. Hall	Mr. Myers	Mr. Wheeler
Mr. Brinkerhoff	Mr. W. Hall	Mr. Noble	Mr. Williams
Mr. Cargill	Mr. Hornbeek	Mr. Randall	Mr. Williamson
Mr. Carrier	Mr. Hubbard	Mr. Ruggles	Mr. Wyckoff
Mr. Case			53

The first of the said resolutions having been read, and the second of the said resolutions being again read, in the words following, to wit:

Resolved, That the Governor be, and he is hereby requested to transmit a copy of the foregoing resolution, to each of our senators and representatives in congress.

Mr. Speaker put the question whether the house would agree with the report of the committee of the whole, and it was determined in the affirmative.

AYES	65
NAYS	51

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Holdridge	Mr. Phoenix
Mr. Bacon	Mr. Fillmore	Mr. Hornbeck	Mr. Redfield
Mr. Bailey	Mr. Fleming	Mr. Hubbell	Mr. Scott
Mr. Barnett	Mr. Fowler	Mr. Ives	Mr. Seeley
Mr. Bradish	Mr. Franklin	Mr. Johnson	Mr. Sheppard
Mr. Brown	Mr. P. C. Fuller	Mr. Jones	Mr. Skinner
Mr. Burt	Mr. Garbutt	Mr. Keith	Mr. A. Smith
Mr. Carley	Mr. Gardner	Mr. Lindsley	Mr. H. D. Smith
Mr. Chandler	Mr. Garnsey	Mr. Mallory	Mr. Speaker
Mr. Curtiss	Mr. Goodman	Mr. Mandeville	Mr. Spier
Mr. Dana	Mr. Gosman	Mr. M'Crea	Mr. Starr
Mr. Dean	Mr. Graham	Mr. M'Niel	Mr. Titus
Mr. Defreest	Mr. Graves	Mr. Mixer	Mr. Tower
Mr. Dickson	Mr. Hascall	Mr. Norton	Mr. Waugh
Mr. Dyckman	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Edgerton	Mr. Hedges	Mr. Partridge	Mr. Young
Mr. Efner			65

Those who voted in the negative are—

Mr. Al Burtis	Mr. Case	Mr. Judd	Mr. T. L. Smith
Mr. Armstrong	Mr. Collier	Mr. C. L. Livingston	Mr. Stanton
Mr. Arnold	Mr. Davenport	Mr. Mann	Mr. Tabor
Mr. Austin	Mr. Dayton	Mr. Mathews	Mr. Tailor
Mr. C. Baker	Mr. Dygert	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. E. Baker	Mr. Falley	Mr. W. M'Donald	Mr. Vanderbilt
Mr. Baragar	Mr. Fitch	Mr. Morell	Mr. Van Wyck
Mr. Bogert	Mr. W. K. Fuller	Mr Myers	Mr. Waring
Mr. Bostwick	Mr. Gross	Mr. Noble	Mr. Wheeler
Mr. Boynton	Mr. W. Hall	Mr. Randall	Mr. Williams
Mr. Brinkerhoff	Mr. Hubbard	Mr. Ruggles	Mr. Williamson
Mr. Cargill	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Carrier	Mr. Jenkins	Mr. Sloughter	51

Ordered, That the clerk deliver a copy of the said resolutions to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain monies to the commissioners of highways of said town;" the engrossed bill entitled "An act to change the names of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York;" and the engrossed bill entitled "An act to divide the town of Kirkland in the county of Oneida," and find the same correctly engrossed.

The said engrossed bill, entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain monies to the commissioners of highways of said town," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to change the names of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to divide the town of Kirkland in the county of Oneida," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The house then proceeded to the consideration of the report of the committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning the proof and acknowledgment of deeds;" the said report being that the committee had gone through the said bill, made an amendment thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house, Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Thereupon,

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garnsey, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, FEBRUARY 17, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Lewis, Jefferson and St. Lawrence, praying for the passage of an act authorising the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

The remonstrance of sundry freeholders and inhabitants of the towns of Goshen, Walkill, New-Windsor and Blooming-Grove, in the county of Orange, against the erection of a new town from parts of those towns, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of John W. Newcomb, a member of the Stockbridge tribe of Indians, praying an amendment of the law passed for his relief at the last session of the legislature, was read, and referred to the committee on Indian affairs.

The petition of Junia Curtis, of the county of Onondaga, praying to be compensated for certain labor performed by him on the pump-works at Salina, was read, and referred to the committee on claims.

The memorial of sundry inhabitants of the town of Pomfret in the county of Chautauque, relative to the erection of a new town from parts of the towns of Pomfret and Villenova, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry citizens of the city of Albany, praying to be incorporated by the name and style of "The Clinton insurance company of the city of Albany," was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the towns of Cambridge, White-Creek and Jackson, in the county of Washington, praying for the passage of a law to prohibit fishing by traps or nets in certain streams in said town, was read, and referred to a select committee, consisting of Mr. M'Neil, Mr. J. M'Donald and Mr. Sill.

The petition of William M'Lachlin, Sarah M'Lachlin and Hugh M'Lachlin, aliens, severally praying that they may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The remonstrance and petition of sundry inhabitants of the town of Caneadea in the county of Allegany, relative to a new division of said town, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the counties of Tioga, Steuben, Yates and Ontario, praying for the passage of an act authorising the construction of a canal from the head of the Seneca lake to Newtown, were read, and committed to a committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Richmond in the county of Ontario, against the division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of James Campbell, of the county of Onondaga, an alien, praying for the passage of a law to enable him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of the trustees of the village of Waterloo in the county of Seneca, praying for a certain amendment to the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the field officers of the 13th regiment of the New-York state artillery, praying for the passage of a law to authorise the appointment of a regimental court for the trial of delinquencies in said corps, was read, and referred to the committee on the militia and the public defence.

Mr. Mann, from the committee on claims, to which was referred the petition of Jonathan Wheat, praying legislative relief in relation to certain lands leased to him by the state, and the report of the surveyor-general on the said petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Jonathan Wheat;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dyckman, from the select committee to which were referred the petitions of several societies of the city of New-York, on the subject of the state hospital money, reported:

That it appears the object of the petitioners is to obtain redress for what they term a grievance, resulting from the operation of a law of this state, which appropriates solely for the use of the house of refuge for juvenile delinquents in the city of New-York, whatever surplus money shall remain in the hands of the commissioners of health in that city, from the fund created by the exaction of what is termed state hospital money.

It appears from the Journals of the Assembly for the year 1828, that a petition of a similar nature was presented to the late legislature; and by a report made by the committee to which that petition was referred, (and which committee was composed of the delegation from the city of New-York,) it is set forth, that the members of the committee were "unanimously of the opinion "that there is much reason and justice in the application of the memorialists, "and that the prayer of the memorial ought to be granted."

In the act to provide against infectious and pestilential diseases, passed in April, 1820, it is directed, that whatever surplus money shall remain in the hands of the commissioners of health, in the city of New-York, after defraying all the expenses incident to the health establishment in that city, should be invested yearly in government stock; and that when such investments should

amount to a sufficient sum, in the opinion of the executive of the state, he should direct the stock to be sold, and with the proceeds thereof, cause to be erected at the quarantine establishment, in the county of Richmond, substantial stone or brick hospitals, in lieu of the then wooden ones at that place.

It does not appear from the law of 1820, that the surplus of the hospital fund collected in the port of New-York, was intended by the legislature to be applied for any other purpose, than to the erection of permanent stone or brick buildings at the quarantine establishment in the county of Richmond; neither does it by any means appear from that law, that such fund was intended for the support of a house of refuge for juvenile delinquents. It appears, however, from the returns made to this house by the comptroller, that forty-three thousand dollars of this fund has been already appropriated to the support of that institution, and that a large sum has likewise been expended in the erection of permanent, and the repairing of other public buildings at Staten-Island; but how much, the committee are unable *precisely* to state. It would appear, however, that more than forty-two thousand dollars has been expended for this purpose; and that, excepting some of those buildings which are now in an unfinished state, and which the public good requires should be completed, the expenditures which will be required to be made for the public buildings at the quarantine establishment in the county of Richmond, will be but of small amount.

It would appear from information in possession of the committee, that the receipts of the house of refuge have, for the past year, been insufficient to meet the current expenses of that institution. And here the committee would beg leave to remark, that an institution so excellent in its nature as the house of refuge, and one, the founding of which would shed additional lustre upon the character of a Howard, should not be left to any *contingency* whatever for its support. The committee view this institution as forming an important part of the penitentiary system of this state, and one which should be taken immediately under the protection of the state, and ample means provided for its support.

But while the committee are thus rendering the just tribute of praise to the house of refuge, and to the humane intentions of those benevolent individuals who were its founders, they cannot forget the aged, infirm and indigent seaman, who has too long been neglected by that country to whose prosperity he has so largely contributed; whose honor he has so nobly defended, and by whose fearless and daring intrepidity, during the late war between this country and Great Britain, was given the first check to that once proud mistress of the ocean.

No class of the community are more justly entitled to our commisseration and support, than the care-worn and houseless sailor; who, from the nature of his vocation, having been constantly exposed to hardships and dangers, and from his generous and too confiding disposition, when old age and decripitude shall have driven him from that element which was once the scene of his active exertions, is often overtaken, in the downhill of life, by poverty and all its attendant evils, and compelled to seek from the hand of private charity, that relief which should be provided him by his country.

The committee are of the opinion, that the founding of an institution as an asylum for aged, indigent and infirm seamen, upon a plan similar to those noble institutions of a like nature in Great Britain, which have done so much towards fostering that spirit of naval supremacy and maritime glory, for which that country was once so renowned, would be consummating those desires and expectations which have been so long cherished by the nautical inhabitants of the greatest commercial city on the western continent, and would serve as a lasting monument of the wisdom and intelligence of this legislature.

To provide for this, and for the permanent support of the house of refuge for juvenile delinquents in the city of New-York, the committee have prepared a bill, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Dyckman, according to leave, brought in the said bill, entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Noble, from the select committee to which was referred the amendments of the Senate to the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state," reported, that they have examined the amendments to the said bill, and recommend that this house do concur in the same, except the second section, to which amendment the committee recommend that the house do not concur.

Ordered, That the said report and bill do lie upon the table.

On motion of Mr. Myers,

Resolved, That the comptroller be requested to report to this house, any information in his possession or power, as to what would be the effect on the revenue of the state, should a superintendent of auctions be appointed for the city of New-York.

In pursuance of previous notice, Mr. T. L. Smith asked for and obtained leave to bring in a bill entitled "An act relative to general elections;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Mann,

Ordered, That the committee on claims be discharged from the further consideration of the petition of Charles Baker, praying for damages occasioned by a breach in the Champlain canal; and that the same be referred to the canal board.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act to confirm a conveyance made by the administrators of Henry I. Moore to John Ridley."

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, entitled "An act concerning the proof and acknowledgment of deeds," and find the same correctly engrossed.

The said engrossed bill from the Senate, entitled "An act concerning the proof and acknowledgment of deeds," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

A communication from Benjamin F. Butler, was read, in the words following, to wit:

Albany, February 17, 1829.

SIR,

I accept the appointment of regent of the university of this state, conferred upon me by the Senate and Assembly, by their resolutions of the 14th instant; and pray you to present to the house over which you preside, my sincere acknowledgments for this mark of its confidence.

I am, sir, very respectfully,
Your obedient servant,
B. F. BUTLER.

To the Hon. PETER ROBINSON,
Speaker of the Assembly.

A communication from Alexander M. Muir, was read, in the words following, to wit:

Albany, February 17, 1829.

Hon. Peter Robinson,
Speaker of the Assembly.

SIR,

The resolutions of the Hon. the Senate and Assembly, appointing me commissary-general of this state, having been delivered to me, I have the honor to inform you of my acceptance of the office, and to request that you will communicate the same to the Hon. the Assembly, with my respectful acknowledgments for this renewed expression of public confidence.

Very respectfully,
I have the honor to be,
Your most obedient servant,
ALEXANDER M. MUIR.

A communication from Azariah C. Flagg, was read, in the words following, to wit:

Albany, February 17, 1829.

SIR,

In accepting the office of secretary of state, conferred upon me by resolutions of the two branches of the Honorable the Legislature of the fourteenth instant, I beg leave to present to the members of the body over which you have the honor of presiding, my grateful acknowledgments for this evidence of their approbation and confidence.

I have the honor to be,
With the greatest respect,
Your obedient servant,
A. C. FLAGG.

Hon. Peter Robinson,
Speaker of the Assembly.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act exempting persons employed as clerks in post-offices, from militia duty;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garnsey, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act exempting clerks in post-offices from military duty, on paying a commutation," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the resolutions reported by the committee on privileges and elections, on the petition of Harvey Granger, praying for admission to a seat in this house, as a member duly elected in and for the county of Saratoga; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until ten o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 18, 1829.

The House met pursuant to adjournment.

Two several petitions of Dominick Caswell and Matthew Fitzpatrick, aliens, respectively praying that they may be authorised to purchase, take, hold and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of the president and trustees of Oswego village, praying for the repeal of the concluding clause of the 15th section of their act of incorporation, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Lyons in the county of Wayne, praying for the passage of an act authorising the board of supervisors of said county to levy a tax on said town for the erection of bridges, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Delaware, praying for the incorporation of a bank, to be located at Delhi, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of the "German Reformed Sanctity Church," in the town of Germantown in the county of Columbia, and others, praying for the passage of a law to authorise them to sell certain real estate belonging to said church, was read, and referred to a select committee, consisting of Mr. P. Van Beuren, Mr. Holdridge and Mr. H. W. Livingston.

The petition of Oliver S. Vanderheyden, praying legislative relief in relation to a lot of land purchased by him in the town of Granby in the county of Oswego, and which has escheated to the people of this state, was read, and referred to the committee on public lands.

The memorial of Justus Dobbin, of the county of Ontario, praying to be allowed a share of the bounty offered to any person who shall prosecute to judgment the kidnappers of William Morgan, was read, and referred to the select committee on that subject, of which Mr. Hazeltine is chairman.

The petition of sundry master builders and others of the city of New-York, praying for the passage of a law, giving them a lien on buildings erected by them, for labor and materials furnished, was read, and referred to the select committee on that subject, of which Mr. Burt is chairman.

The petition of sundry inhabitants of the county of Orange, and the president of the Great Island turnpike road company, praying for the passage of a law to authorise the said company to abandon a part of their road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of David Woods and others, inhabitants of the town of Granville in the county of Washington, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the town of Otego, praying for an alteration of a certain road in said town, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act to authorise the commissioners of highways of the town of Otego to alter a road;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the canal board, was read, in the words following, to wit:

The canal board, to whom the Hon. the Assembly have referred the petition of Benjamin Cook, respectfully report:

That the petitioner represents that his lands were overflowed, and his crops destroyed, by the water which was discharged from the Erie canal, by persons who cut away the banks, for the purpose of preventing breaches during the freshets of the last summer; whereby he has sustained damages to the amount of three hundred dollars; and he prays the legislature to grant him relief. The facts set forth by the petitioner are supported by his own oath, and by the affidavits of several other persons.

The existing law makes provision for the payment of damages in two cases only; to wit, where lands, waters or streams, are appropriated by the canal commissioners to the public use; and where land has been occupied by them for temporary purposes, or on which they may have entered for the purpose of obtaining materials for repairs.

The claim of the petitioner does not fall within either class of these cases; and it is believed that there is no authority given the canal commissioners to make compensation for injuries of this kind, arising from their acts, or the acts of any superintendent or other person employed on the canals. It appears to this board reasonable and proper that compensation should be made to the petitioner, and that some general legislative provision for assessment and payment should be made to embrace this and similar cases of damages.

HENRY SEYMOUR,
A. C. FLAGG,
S. YOUNG,
S. WRIGHT, Jr.
A. KEYSER,
W. C. BOUCK.

Albany, February 16, 1829.

Ordered, That the said communication be referred to the committee on canals and internal improvements.

A communication from the attorney-general, was read in the words following, to wit:

The attorney-general, in obedience to the resolution of the Assembly, referring to him the petition and documents of Timothy Tallman, to report "the nature and kind of relief (if any,) which, in his opinion, ought to be granted to the petitioner," respectfully reports:

That the petitioner represents that injustice has been done him in the sale by the state of lots number 151 and 222, in the late Oneida reservation, in which he was interested. In April, 1824, an act was passed for his relief, (laws of 1824, page 140,) which, after reciting that lot number 151 had been sold "through mistake or misapprehension," provided that the sum of four hundred and forty-three dollars, which the petitioner had paid towards the purchase money of the lot, with the interest and taxes he had paid on the same account, should be refunded; and the petitioner now alleges, that complete justice has not been done him in relation to that lot, inasmuch as interest was not allowed on the sums paid for taxes, nor the amount he had paid for assessments to labor on the highway. In the Assembly journal for 1824, page 656, will be found the report of the commissioners of the land-office upon this claim; and at page 711 of the same journal, will be found the report of the committee of claims upon the same subject, from which report, in connection with the act which was thereupon passed, it will be seen, that the lot in question was sold, and the petitioner's title defeated, without any default on his part; and in such a case, it is but just and equitable that a full indemnity should be awarded to the petitioner; and this object may be attained, by paying him the fair value of the land at the time of sale, with interest thereon, after deducting any amount that may have been due the state on account of the purchase money for the lot, and also deducting the amount that has been paid to the petitioner under the existing act for his relief.

Considering that the kind of relief above suggested involves a review of the decision of the legislature upon this subject, in 1824, the attorney-general would have avoided this expression of his opinion, had it not been plainly called for by the resolution of the Assembly.

By a recurrence to the reports already mentioned, in connection with the other papers of the petitioner, it will be seen that he complains of the sale of his part of lot number 222, upon several grounds.

First. That a fraud was committed by some person unknown, by means of which his part of the lot was charged with too great an amount of the purchase money; and that in this way he appeared to have been in arrear in his payments, contrary to the truth of the case.

Secondly. That a fraud was committed by the purchaser or purchasers upon the sale, by making false representations, and entering into an agreement which prevented a fair competition among the bidders.

Thirdly. That on account of a difficulty between him and Wilcox, (who owned half the lot,) about their payments, the petitioner was advised by the then attorney-general to make no further payments on his half, until the matters should be adjusted; and that a memorandum was then made in pencil upon the petitioner's account, in the treasurer's books, that his half of the lot was not to be sold; but that in consequence of a change in the public officers, his land was unexpectedly and improperly sold.

And *lastly.* That his land was sold through the improper conduct of one or more of the clerks in the office of the comproller.

The act for the relief of the petitioner, above referred to, proceeding upon the second of the above grounds, made it the duty of the attorney-general to take such measures, either at law or in equity, to vacate the sale of lot 222, as he might deem proper, "in case it should appear to him that such sale was procured by the fraud or contrivance of the person or persons purchasing the same of the state."

No resort has been had to the remedy prescribed by this act; and the petitioner has undoubtedly given the true reason for the omission. He states that he has been informed by the [then] attorney-general, that he had not taken any measures, either at law or in equity, to vacate the said sale, and that his reason for omitting to do so was, that although he was satisfied the sale was procured by fraud and misrepresentation, yet he was not fully satisfied that it was procured by the fraud or contrivance of the person or persons who actually purchased the same of the state.

From a view of the whole case, it appears to be highly probable, that the petitioner had, in fact, made all the payments of interest that were justly chargeable to his half of the lot, and that his land was sold in his absence from the state, and without his knowledge, when he had reason to believe he was in no danger of losing his property; and without saying any thing of the several allegations of fraudulent conduct on the part of the purchasers, and others, it is a case of great hardship upon the petitioner, and one that addresses itself with some force to the legislature, for equitable relief, either by paying the value of the land at the time of sale, or refunding the money the petitioner had paid towards his part of the lot.

All of which is respectfully submitted,

GREENE C. BRONSON, *Attorney-General.*

Feb. 17*th*, 1829.

Ordered, That the said communication and the petition be referred to the committee on claims.

A communication from Joseph D. Selden and David Woods, canal appraisers, was read in the words following, to wit:

We, Joseph D. Selden and David Woods, the canal appraisers, to whom the petition of William A. Moore and others was referred, report:

That in the summer and fall of the year 1825, the appraisers personally examined the premises of the petitioners, on which the alleged damages by the Champlain canal have been done. That in the latter part of the fall of 1825,

and in the succeeding winter, we, together with Samuel Young, Esquire, then one of the acting canal commissioners, did attend at convenient places along that part of the said canal which passes through the premises of the petitioners, alleged to have been so injured, and did then examine such witnesses in relation to those damages as the said petitioners thought proper to present. That afterwards, in that winter, we, the said appraisers, together with the said Samuel Young, Esquire, did meet and pass upon, and decide upon these claims.

By those decisions it is to be inferred from the petition, that the petitioners allege that injustice has been done to them. It is true, as the petitioners state, that various opinions have existed in relation to the advantages and disadvantages in the construction and operation of the said canal, to those persons who live in its vicinity; and it is not improbable but that we may have done injustice to the petitioners, in passing on and deciding their said claims.

We are satisfied, that in that section of country, an opinion very generally prevails, not only among those immediately interested in the lands through which the canal passes, but among others, that the advantages which had been anticipated by the said canal had not been, and probably never would be realized; but on this subject, we forbear to express an opinion, because, should the legislature think proper to interfere, and direct or authorize a re-assessment, in the cases of the petitioners, the appraisers would ultimately be called upon to decide those cases; hence the propriety of the appraisers remaining uncommitted, and their minds left free and unbiassed on that subject; and such an opinion, we think, the petitioners cannot reasonable expect from the appraisers, inasmuch as one subject of their complaint is, that the mind of one of the members of the board of appraisers, in deciding on those claims, was, as they allege, not free and unbiassed.

In estimating the damages in the cases of the petitioners, the appraisers did not take into that estimate the expense of making and keeping in repair the fences necessary to be maintained along the margin of the canal, and the reason was, that we supposed those fences would be kept up and maintained by the state, and that probably, some arrangement might ultimately be made with the petitioners in relation to those fences, by which the state would commute, and which might be equally beneficial to the petitioners, and advantageous to the state.

All which is respectfully submitted, this 18th day of February, 1829.

JOSEPH D. SELDEN,
DAVID WOODS.

Ordered, That the said communication be referred to the committee on claims.

A communication from A. Keyser, was read, in the words following, to wit:

Albany, February 18, 1829.

SIR,

The resolutions of the two houses of the legislature, appointing me treasurer of this state, having been sent to me, allow me to communicate through you to the members of the house over which you have the honor of presiding, my acceptance of the office, together with my respectful acknowledgments for this renewed proof of their confidence.

With sentiments of respect,
Your humble servant,
A. KEYSER.

Hon. PETER ROBINSON,
Speaker of the Assembly.

A communication from the cashier of the Chemical manufacturing company, was read, in the words following, to wit:

CHEMICAL BANK,
New-York, Feb. 14th, 1829.

SIR—

In conformity with the provisions of the acts incorporating and amending the charter of the Chemical Manufacturing Company, I enclose you the within statements of the concerns of the company.

I have the honor to subscribe myself,
Your obedient servant,
AL'N. DOUGLAS, *Cashier.*

Hon. PETER ROBINSON,
Speaker of the House of Assembly.

STATEMENT of the Funds and Property of the New-York Chemical Manufacturing Campany, 2d February, 1829.

DR.		*CR.*	
Chemical manufactories,	$100,000 00	Capital paid in,	$500,000 00
Bills receivable,	688,922 64	Bills in circulation,	155,164 00
Banking-house, plates, paper, &c.	9,499 74	Surplus fund,	4,074 68
Due from banks, including their bills on hand,	103,877 27	Due other banks,	50,463 21
Specie,	20,094 47	Deposits, including dividends unpaid,	212,692 23
	$922,394 12		$922,394 12

We certify that the above is a true statement, according to the books of the Chemical Bank.

B. P. MELICK, *President.*
AL'N. DOUGLAS, *Cashier.*

[*For pages* 492 *to* 496 *inclusive, see* Table, (Sig. S.)]

...nufactories.

[*Sig. S.*]

	Copperas.	Tart. acid.	Sp. nit. dulc.	Tinct. M. ferri.	Rub. ferri.	A. aether.	Rose water.	Culc. magn.	D. vinegar.	Hep. sulphuris.	
1828, Feb. 1. T...	..	..	....	..	..	....	..	....	..	..	$26,381 06
	..	..	....	..	..	....	..	....	..	..	25,352 90
	..	..	....	..	..	....	..	....	..	..	1,333 41
	..	..	....	..	..	....	..	....	..	..	7,762 72
	..	..	....	..	..	....	..	....	..	..	3,848 67
	..	..	....	..	..	....	..	....	..	..	1,629 29
	..	..	....	..	..	....	..	....	..	..	352 00
	..	..	....	..	..	....	..	....	..	..	56 79
	02	..	....	..	..	....	..	....	..	..	132 05
July 31, T...		44	....	..	..	....	..	....	..	..	27 50
			408	..	..	....	..	....	..	..	48 96
				84	..	....	..	....	..	..	10 92
					41	....	..	....	..	..	6 15
						$3\frac{14}{16}$	galls 10	....	..	..	7 75
								....	..	..	20 00
								$87\frac{3}{4}$	galls $5\frac{1}{2}$	..	109 68
										91	2 75
											21 75
	02	44	408	84	41	$3\frac{14}{16}$	10	$87\frac{3}{4}$	$5\frac{1}{2}$	91	67,104 35
	paid by Insurance companies,....										10,000 00
											$77,104 35

	.....$91,637	44
	 31,950	47
	 89	12
	 1,009	81
Expenses for one y	 717	15
freight, car	 1,500	00
	 9,663	83
	 51,679	39
	188,247	21
We, the subscrib	 88,247	21
the books of the C		
ical Manufacturing	.....$100,000	00

The item of debts due, $88,247 21, have been reduced by a payment from the agent of $6,072 21.

...D.

...w-York, 2d Feb. 1829.

Statement of the New-York Chemical Manufactories.

1828, Feb. 1. To inventory of stock per statement rendered, ... $53,908 28

Manganese, purchased,	$1426 15	
Salt petre, "	4545 67	
Brimstone, "	2165 17	
Borax, "	576 64	
Potash, "	1444 97	
Cream tartar, scrapings, &c. &c.	372 89	
Horses,	180 00	
Coals,	3331 75	
Oil and leather,	106 56	
Bark, glue and plaster,	105 48	
Lime and rope,	468 83	
Barrels and tierces,	484 36	
Hay, oats and straw,	236 59	
Pine wood,	748 16	
Salts,	589 43	
Books and stationary, tin ware and tools,	54 11	
Hoops, poles and timber,	124 07	
Carboys, demijohns, &c. &c. &c.	6536 43	
		23,497 26

July 31, To Salt petre, purchased, ... 9056 82

Calcis of copper, "	8993 44	
Manganese, "	1309 69	
Coals, "	853 61	
Alcohol, "	381 63	
Whiskey, "	102 26	
Spun yarn, "	48 00	
Sulp. potash, "	46 83	
Copper, "	36 00	
Pearl ashes, "	67 21	
Carboys, "	379 75	
Spt. nit. dulcis, "	3 88	
Rosin, dirty salt petre, &c. &c.	10 56	
Salt and vinegar,	329 11	
Oats, shorts, &c. &c.	188 08	
Barrels, tierces and kegs,	358 05	
Charcoal,	16 54	
Carboys, demijohns, &c. &c.	2806 71	
		24,988 17
		102,393 71

Expenses for one year, including interest paid insurance money, labor, salaries, freight, cartage, &c. &c. 22,885 62

$125,279 33

We, the subscribers, certify, that the above is a true statement, according to the books of the Chemical Manufactories, belonging to the New-York Chemical Manufacturing Company.—New-York, February 2d, 1829.

B. P. MELICK, *President.*
ALN. DOUGLASS, *Cashier.*

Manufactured Articles.

Ol. Vitriol.	Blue do.	Bleach. salts.	Alum.	Nitric acid.	Muriatic do.	Salt petre.	Rochelle salts.	Aq. fortis.	Sp. Nit. fort.	Aq. ammon.	Borax.	Aether.	Sal. tartar.	Copperas.	Tart. acid.	Sp. nit. dulc.	Tinct. M. ferri.	Rub. ferri.	A. aether.	Rose water.	Culc. magn.	D. vinegar.	Hep. sulphuris.	
lbs.																								
455851		.....		....		.....		.....		....		....	....	....	..	....	..	..	.....	..	....	..	..	$26,381 06
		546372		....		.....		.....		....		....	....	....	..	....	..	..	.....	..	....	..	..	25,352 90
				7698		.....		.....		....		....	....	....	..	....	..	..	.....	..	....	..	..	1,333 41
						64533		.....		....		....	....	....	..	....	..	..	.....	..	....	..	..	7,762 72
								16755		....		....	....	....	..	....	..	..	.....	..	....	..	..	3,848 67
										7298		....	....	....	..	....	..	..	.....	..	....	..	..	1,629 29
												880	....	....	..	....	..	..	.....	..	....	..	..	352 00
													631	....	..	....	..	..	.....	..	....	..	..	56 79
														4802	..	....	..	..	.....	..	....	..	..	132 05
															44	....	..	..	.....	..	....	..	..	27 50
																408	..	..	.....	..	....	..	..	48 96
																	84	..	.....	..	....	..	..	10 92
																		41	.....	..	....	..	..	6 15
																			$3\frac{14}{16}$	galls	....	..	..	7 75
																				10	....	..	..	20 00
																				$87\frac{3}{4}$	galls	..	..	109 68
																					$5\frac{1}{2}$	..	..	2 75
																						91	..	21 75
455851		546372		7698		64533		16755		7298		880	631	4802	44	408	84	41	$3\frac{14}{16}$	10	$87\frac{3}{4}$	$5\frac{1}{2}$	91	67,104 35

Amount personal property destroyed by fire and paid by Insurance companies, ... 10,000 00

$77,104 35

[*Sig. S.*]

BALANCES.

New manufactory,	$91,637 44	
Old,	31,950 47	
Cash, bal.	89 12	
C. K. Stafford, const.	1,009 81	
Chandler & Howard,	717 15	
Eg. Ins. Comp'y.	1,500 00	
Agent's balance,	9,663 83	
Inv'y. of stock,	51,679 39	
	188,247 21	
Debts due,	88,247 21	
Original appropriation,	$100,000 00	

Errors excepted.

New-York, 2d Feb. 1829.

The item of debts due, $88,247 21, have been reduced by a payment from the agent of $6,072 21.

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature, and that the same be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Sodus canal company;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Brinkerhoff, Mr. Hubbell and Mr. Boynton, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Albany Institute," with the amendments therewith delivered.

Ordered, That the said bill and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to authorise the supervisors of the county of Monroe to sell the court-house and lot, for the purposes therein mentioned."

MARTIN VAN BUREN.

Albany, February 17, 1829.

In pursuance of previous notice, Mr. Noble asked for and obtained leave to bring in a bill entitled "An act relative to the common school fund of the several towns in the county of Cayuga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. C. L. Livingston have leave of absence for five days.

On motion of Mr. Jenkins,

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to divide the town of Camillus in the county of Onondaga," and that the same be referred to a select committee, consisting of Mr. Jenkins, Mr. Mathews and Mr. Starr, to consider and report thereon.

Mr. Hubbell gave notice, that at some future day, he would ask leave to introduce a bill, so altering and amending the revised statutes, as to abolish imprisonment for default in the payment of any fines imposed on persons refusing to do military duty, on the ground of conscientious scruples.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act exempting clerks in post-offices from militia duty, on paying a commutation," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act exempting clerks in post-offices from militia duty, on paying a commutation," was read the third time.

Mr. Speaker put the question on the final passage of the said bill, and it was determined in the affirmative.

AYES	87
NAYS	20

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Bacon	Mr. Dyckman	Mr. Jones	Mr. H. D. Smith
Mr. Bailey	Mr. Efner	Mr. Keith	Mr. T. L. Smith
Mr. E. Baker	Mr. Eldridge	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. Falley	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Fillmore	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Franklin	Mr. W. M'Donald	Mr. Tabor
Mr. Bradish	Mr. P. C. Fuller	Mr. M'Niel	Mr. Tailor
Mr. Brinkerhoff	Mr. Garbutt	Mr. Morell	Mr. Teller
Mr. Brown	Mr. Gardner	Mr Myers	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. Goodman	Mr. Norton	Mr. J. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Paige	Mr. P. Van Beuren
Mr. Carrier	Mr. Graham	Mr. Partridge	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Scott	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Seeley	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Sheppard	Mr. Williamson
Mr. Dean	Mr. Hornbeek	Mr. Skinner	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Sloughter	Mr. Young
Mr. Dickson	Mr. Ives	Mr. A. Smith	87

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. Holdridge	Mr. M'Crea
Mr. Armstrong	Mr. Fitch	Mr. Hubbard	Mr. Mixer
Mr. Austin	Mr. Graves	Mr. Jenkins	Mr. Savage
Mr. Chandler	Mr. J. Hall	Mr. Johnson	Mr. Waring
Mr. Dygert	Mr. W. Hall	Mr. Lindsley	Mr. White 20

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the resolutions reported by the committee on privileges and elections, on the petition of Harvey Granger, praying for admission to a seat in this house, as a member duly elected in and for the county of Saratoga; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Savage, from the said committee, reported, that the committee had agreed to a resolution, in the words following, to wit:

Resolved, That the prayer of the petitioner ought not to be granted.

Which he was directed to report to the house; and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, FEBRUARY 19, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Jefferson, St. Lawrence and Lewis, praying for the passage of an act authorising the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the county of Cayuga, praying for the passage of an act of incorporation for the construction of a canal from the Owasco lake to the Erie canal, was read, and referred to the committee on conals and internal improvements.

The petition of Esther Chase, of the town of Kirkland in the county of Oneida, praying relief in relation to a lot of land owned by the petitioner, and sold by the commissioners of the land-office, was read, and referred to the committee on claims.

The petition of Polly Hendrick, Rhoda Hendrick and Zebulon Everet, Indians of the Stockbridge tribe, praying for legislative relief, was read, and referred to the committee on Indian affairs.

The petition of sundry inhabitants of the towns of Auburn, Sennet and Brutus, in the county of Cayuga, praying for the passage of a law appointing commissioners to lay out a road from the village of Auburn in the county of Cayuga, to the village of Weedsport in said county, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Alexander Sleight, an alien, praying for the passage of a law authorising him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

Four several petitions from sundry inhabitants of the towns of Bath, Jersey and Hornby, praying for the repeal of an act relative to Mud creek in the county of Steuben, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Oswego, praying for the passage of an act appointing commissioners to establish a central location for the county buildings in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the trustees of the village of Rochester, praying for the passage of a law to incorporate the city of Rochester, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the trustees of the village of Syracuse, praying for the passage of a law to alter the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the Rensselaer bridge company, reported:

That this company was incorporated in 1808, to erect and maintain a toll bridge across the Kinderhook creek, in the town of Nassau, in the county of Rensselaer. Their charter also allows them the privilege of exercising the control over about two miles of road, attached to and included as the property of the said company. Application is made to the present legislature for an extension of their charter; and they state, as their principal reason, that the receipts from their original investment, together with the re-building and other necessary repairs, have not as yet produced an equivalent which compensates them for their capital employed.

The books of the company do not furnish to the committee a very accurate statement of the concerns, during the time this gate has been placed on the bridge; but so far as they have been managed by the present proprietor, they appear to be perfectly plain and intelligible. Connected with his statements, there would be a deficiency in the avails of the corporation.

An objection is made to the renewal of this charter, by the proprietors of Columbia and Rensselaer turnpike company, on the ground that at the expiration of the Rensselaer bridge company's charter, they will take the same, together with their road, and keep them in repair, free from any expense to the public, which would relieve the traveller from the payment of tolls at the present gate, and that this course will increase the travel on their road, as to justify them in agreeing to adopt it.

The question then is, whether the Rensselaer bridge company shall be permitted to perpetuate a tax upon community any longer than their original charter, contemplated. It appears to have been considered as an act of justice, that whenever the receipts, under the old charters, fall short of a fair compensation, it should be continued to the original applicants. In the present case, the applicants have made a majority of the committee believe that the present is one of the cases under that rule, and that their charter should be continued for ten years, to make up such deficiency; and the committee have directed their chairman to prepare a bill and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to extend the charter of the Rensselaer bridge company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chandler, from the committee on the erection and division of towns and counties, on the petition of sundry inhabitants of the town of Broome in the county of Schoharie, and Durham in the county of Greene, praying for a division of those towns, reported:

That as it appears requisite notices have not been given to erect a new town from parts of the town of Durham in the county of Greene, and the town of Broome in the county of Schoharie, the committee recommend that the petitioners have leave to withdraw their petition, and submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr Chandler, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Erie and Genesee, praying for the passage of a law to straighten the county line between said counties, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Chandler, according to leave, brought in the said bill, entitled "An act to straighten the line between the counties of Erie and Genesee;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, reported:

That they have had the petition of the consistories of the Dutch reformed churches in the towns of Rochester and Wawarsing under consideration, and think the prayer of the petitioners reasonable, and should be granted; they have accordingly prepared a bill, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act confirming the division of a lot of land owned by the Dutch reformed churches in the towns of Rochester and Wawarsing, and to enable the consistory of Wawarsing to sell their portion of said lot of land;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, on the petition of the Union society of the city of New-York, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the Union society of the city of New-York:" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Franklin, from the committee on trade and manufactures, on the petition of sundry merchants and others of the city of New-York, relative to the guaging of beer and cider casks, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Franklin, according to leave, brought in the said bill, entitled "An act regulating the guage of beer and cider casks in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Al Burtis,

Ordered, That the committee on the incorporation of charitable and religious societies be discharged from the further consideration of the petition of the New-York institution for the instruction of the deaf and dumb, and that the same be referred to the select committee of which Mr. Randall is chairman, and to which was referred the petition of the Central institution for the instruction of the deaf and dumb.

Ordered, That Mr. Al Burtis be added to the said committee.

On motion of Mr. Heermans,

Ordered, That the committee on the judiciary be discharged from the further consideration of the petition of George Hoag, praying that certain taxes may be refunded to him; and that the same be referred to a select committee, consisting of the members attending this house from the county of Rensselaer.

Mr. Seeley gave notice that he would, on some future day, ask leave to introduce a bill authorising the appointment of inspectors of wood in the county of Greene.

On motion of Mr. Dean,

Ordered, That the committee on Indian affairs be discharged from the further consideration of the petition of John W. Newcomb, a member of the Stockbridge tribe of Indians; and that the same be referred to the attorney-general.

On motion of Mr. Mann,

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer," and that the same be referred to a select committee, consisting of Mr. Mann, Mr. Dygert and Mr. Sloughter, to consider and report thereon.

A communication from Simeon De Witt, was read, in the words following, to wit:

SIR,

With a grateful sense of the obligation conferred on me by a re-appointment to the office of surveyor-general of the state, I beg leave, through you, to announce to the Honorable the Assembly, my acceptance of the appointment.

I have the honor to be,
Your most obedient humble servant,
S. DE WITT.

The Hon. PETER ROBINSON,
Speaker of the Assembly.
February 18, 1829.

The house then proceeded to the consideration of the report of the committee of the whole, on the resolutions reported by the committee on privileges and elections, on the petition of Harvey Granger, praying admission to a seat in this house, as a member duly elected in and for the county of Saratoga; the said report being, that the committee had agreed to a resolution in the words following, to wit:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Savage made a motion that the house should agree to amend the said report, by inserting immediately preceding the said resolution, a resolution in the words following, to wit:

Resolved, (as the sense of this house,) That they have reason to believe that fraud or corruption has been practised upon the ballot box for elector and member of congress, at the late election in the town of Greenfield, in the county of Saratoga; but they have not conclusive evidence that such fraud or corruption was practised by the consent or with the knowledge of the board of inspectors of said town, or that any fraud was practised upon the assembly box.

Debates were had upon the said motion of Mr. Savage; and the question being put whether the house would agree thereto, it was determined in the affirmative.

AYES	66
NAYS	44

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Dean	Mr Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. A. Smith
Mr. C. Baker	Mr. Falley	Mr. Mann	Mr. T. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. Mathews	Mr. Spier
Mr. Bogert	Mr. Fowler	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Franklin	Mr. W. M'Donald	Mr. Tabor
Mr. Boynton	Mr. Garbutt	Mr. Myers	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. Noble	Mr. Teller
Mr. Brown	Mr. Graham	Mr. Paige	Mr. Tower
Mr. Cargill	Mr. J. Hall	Mr. Randall	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Redfield	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Ruggles	Mr. Willey
Mr. Curtiss	Mr. Hascall	Mr. Savage	Mr. Williamson
Mr. Dana	Mr. Hedges	Mr. Scott	Mr. Young
Mr. Dayton	Mr. Hubbard		66

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dickson	Mr. Holdridge	Mr. Sill
Mr. Bacon	Mr. Eldridge	Mr. Hornbeek	Mr. H. D. Smith
Mr. Bailey	Mr. Fillmore	Mr. Hubbell	Mr. Speaker
Mr. Baragar	Mr. Fleming	Mr. Lindsley	Mr. Starr
Mr. Barnet	Mr. P. C. Fuller	Mr. Mallory	Mr. Titus
Mr. Bradish	Mr. W. K. Fuller	Mr. Mandeville	Mr. J. Van Beuren
Mr. Burt	Mr. Gardner	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Carley	Mr. Garnsey	Mr. M'Niel	Mr. Waring
Mr. Case	Mr. Goodman	Mr. Morell	Mr. White
Mr. Chandler	Mr. Gross	Mr. Norton	Mr. Williams
Mr. Defreest	Mr. Heermans	Mr. Partridge	Mr. Wyckoff 44

Thereupon,

Mr. Edgerton made a motion that the house should agree to amend the resolution agreed to by the committee of the whole, by striking out of the same the word "not."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Edgerton, and it was determined in the negative.

{NAYS 103
AYES 08}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Defreest	Mr. Heermans	Mr. Scott	
Mr. Allison	Mr. Dickson	Mr. Holdridge	Mr. Seeley	
Mr. Armstrong	Mr. Dyckman	Mr. Hornbeek	Mr. Skinner	
Mr. Arnold	Mr. Dygert	Mr. Hubbard	Mr. Sloughter	
Mr. Austin	Mr. Eldridge	Mr. Hubbell	Mr. A. Smith	
Mr. Bacon	Mr. Falley	Mr. Hynds	Mr. H. D. Smith	
Mr. Bailey	Mr. Fillmore	Mr. Jenkins	Mr. T. L. Smith	
Mr. C. Baker	Mr. Fitch	Mr. Johnson	Mr. Speaker	
Mr. E. Baker	Mr. Fleming	Mr. Jones	Mr. Spier	
Mr. Baragar	Mr. Fowler	Mr. Keith	Mr. Stanton	
Mr. Barnett	Mr. Franklin	Mr. Lindsley	Mr. Starr	
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Tabor	
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. Tailor	
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Teller	
Mr. Bradish	Mr. Gardiner	Mr. M'Crea	Mr. Titus	
Mr. Brinkerhoff	Mr. Garnsey	Mr. J. M'Donald	Mr. Tower	
Mr. Brown	Mr. Goodman	Mr. M'Niel	Mr. J. Van Beuren	
Mr. Burt	Mr. Gosman	Mr. Mixer	Mr. P. Van Buren	
Mr. Carley	Mr. Graham	Mr. Morell	Mr. Vanderbilt	
Mr. Carrier	Mr. Gross	Mr. Myers	Mr. Waugh	
Mr. Case	Mr. J. Hall	Mr. Norton	Mr. White	
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. Willey	
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. Williams	
Mr. Curtiss	Mr. Hascall	Mr. Redfield	Mr. Williamson	
Mr. Dana	Mr. Hazeltine	Mr. Ruggles	Mr. Wyckoff	
Mr. Dayton	Mr. Hedges	Mr. Savage		103

Those who voted in the affirmative are—

Mr. Cargill	Mr. Edgerton	Mr. W. M'Donald	Mr. Paige	
Mr. Dean	Mr. Mann	Mr. Noble	Mr. Young	8

Thereupon,

The report of the committee of the whole as amended, was read, in the words following, to wit:

Resolved, (as the sense of this house,) That they have reason to believe that fraud or corruption has been practised upon the ballot box for elector and member of congress, at the late election in the town of Greenfield in the county of Saratoga; but they have not conclusive evidence that such fraud or corruption was practised by the consent or with the knowledge of the board of inspectors of said town, or that any fraud was practised upon the assembly box.

Resolved, That the prayer of the petitioner ought not to be granted.

Thereupon,

The report of the committee of the whole being divided, Mr. Speaker put the question whether the house would agree to so much of the said report as is contained in the first of the said resolutions, and it was determined in the affirmative.

{AYES 66
NAYS 42}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Hynds	Mr. Scott
Mr. Arnold	Mr. Dean	Mr. Jenkins	Mr. Seeley
Mr. Austin	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Bacon	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. C. Baker	Mr. Edgerton	Mr. Keith	Mr. A. Smith
Mr. E. Baker	Mr. Falley	Mr. Mann	Mr. T. L. Smith
Mr. Bogert	Mr. Fitch	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Fowler	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. Franklin	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Gosman	Mr. Mixer	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. Myers	Mr. Teller
Mr. Cargill	Mr. J. Hall	Mr. Paige	Mr. Tower
Mr. Carrier	Mr. W. Hall	Mr. Randall	Mr. Vanderbilt
Mr. Chandler	Mr. Hammond	Mr. Redfield	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Ruggles	Mr. Williamson
Mr. Curtiss	Mr. Hedges	Mr. Savage	Mr. Young
Mr. Dana	Mr. Hubbard		66

Those who voted in the negative are—

Mr. Al Burtis	Mr. P. C. Fuller	Mr. Hubbell	Mr. Speaker
Mr. Bailey	Mr. W. K. Fuller	Mr. Lindsley	Mr. Starr
Mr. Barnet	Mr. Garbutt	Mr. Mallory	Mr. Titus
Mr. Bradish	Mr. Gardiner	Mr. Mandeville	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. J. M'Donold	Mr. P. Van Beuren
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Waring
Mr. Case	Mr. Gross	Mr. Morell	Mr. White
Mr Defreest	Mr. Hazeltine	Mr. Norton	Mr. Willey
Mr. Dickson	Mr. Heermans	Mr. Partridge	Mr. Williams
Mr. Eldridge	Mr. Holdridge	Mr. H. D. Smith	Mr. Wyckoff
Mr. Fillmore	Mr. Hornbeek		42

Thereupon,

Mr. Speaker put the question whether the house would agree to so much of the report of the committee of the whole as is contained in the second of the said resolutions, and it was determined in the affirmative.

{AYES 101
NAYS 03}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hazeltine	Mr. Savage
Mr. Allison	Mr. Dickson	Mr. Hedges	Mr. Scott
Mr. Arnold	Mr. Dyckman	Mr. Heermans	Mr. Skinner
Mr. Austin	Mr. Dygert	Mr. Holdridge	Mr. Sloughter
Mr. Bacon	Mr. Edgerton	Mr. Hornbeek	Mr. A. Smith
Mr. Bailey	Mr. Efner	Mr. Hubbard	Mr. H. D. Smith
Mr. C. Baker	Mr. Eldridge	Mr. Hubbell	Mr. T. L. Smith
Mr. E. Baker	Mr. Falley	Mr. Hynds	Mr. Speaker
Mr. Barnett	Mr. Fillmore	Mr. Jenkins	Mr. Spier
Mr. Bogert	Mr. Fitch	Mr. Johnson	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. Jones	Mr. Starr
Mr. Boynton	Mr. Franklin	Mr. Keith	Mr. Tabor
Mr. Bradish	Mr. P. C. Fuller	Mr. Lindsley	Mr. Tailor
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. Mandeville	Mr. Teller
Mr. Brown	Mr. Garbutt	Mr. M'Crea	Mr. Titus
Mr. Burt	Mr. Gardiner	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Garnsey	Mr. M'Niel	Mr. J. Van Buren

Mr. Carley	Mr. Goodman	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. Graham	Mr. Myers	Mr. Waugh
Mr. Chandler	Mr. Gross	Mr. Norton	Mr. Willey
Mr. Collier	Mr. J. Hall	Mr. Patridge	Mr. Williams
Mr. Curtiss	Mr. W. Hall	Mr. Randall	Mr. Williamson
Mr. Dana	Mr. Hammond	Mr. Redfield	Mr. Wyckoff
Mr. Dayton	Mr. Hascall	Mr. Ruggles	Mr. Young
Mr. Dean			

101

Those who voted in the negative are—

Mr. Mann	Mr. Mathews	Mr. Paige	3

Mr. Mann, from the select committee to which was committed the bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A communication from the canal commissioners, was read, in the words following, to wit:

The canal commissioners, to whom was referred by the honorable the Assembly the petition of James and John Lidgerwood, praying for an allowance on their contract for the construction of locks, report:

That the petitioners did, as they state, enter into a contract with Samuel Young, then acting canal commissioner, to construct four locks above the Cohoes falls on the Erie canal, which said four locks embraced thirty-three feet of lockage, for which they were to be paid one thousand dollars per foot lift; that they were authorized by the said acting commissioner to procure the water lime for said locks, either from the west, or from the Bald mountain in Washington county; that they finished the locks in the year 1823, and received, on the 3d of October in that year, that last payment on their contract, which in the whole amounted to $33.000; that there were some doubts at the time, whether the work was done in the best manner—some of the mitre-cills were found not to be well secured, and had to be replaced after the contract was accepted; that the petitioners afterwards made several applications to the board of canal commissioners for an extra allowance on their contract, which they finally obtained in 1825, a majority of the said board (the above named acting commissioner dissenting,) awarding to the petitioners the sum of three thousand three hundred dollars, in addition to the contract price which had previously been paid; that the said extra allowance was paid to them, and a receipt taken as follows:

(Copy.)

Rec'd. of Samnel Young, canal commissioner, thirty-three hundred dollars, in full on the contract for locks of James Lidgerwood and myself on the canal, for which I have signed duplicate receipts. Dated 29th June, 1825.

$3,300. (Signed.)

JOHN LIDGERWOOD.

All of which is respectfully submitted.

In behalf of the Canal Commissioners,

S. YOUNG.

Feb. 17*th*, 1829.

Ordered, That the said communication be referred to the committee on claims.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom was referred by the honorable the Assembly the petition of Isaac Vail, report:

That the said petitioner was the contractor on section four, of the improvement of the Champlain canal, which section was finished by the petitioner in January, 1827. The petitioner was paid the contract price on his job; but not being indemnified by the contract price, for the money he had expended on the job, he petitioned the legislature in Feb. 1827, for a further allowance on his contract. This petition was referred by the legislature to the canal commissioners, and their report thereon will be found in the Assembly journal of 1827, page 742. The petitioner not obtaining relief from the legislature, applied, in the session of 1828, to the canal board, for relief. The canal board, after hearing the testimony of the engineer, awarded to the petitioner the sum of $800, which was paid to him.

The canal board, in making this allowance to the petitioner were not authorized by the law to award any thing for the "unfavorable terms of the contract;" and the alleged loss of the petitioner, for which he is not yet indemnified, probably arose from this cause.

It is not believed that the canal board have power to make any further allowance to the petitioner; and his only remedy, if he has any, for his alleged loss, is with the legislature.

All which is respectfully submitted,

S. YOUNG,
HENRY SEYMOUR,
WILLIAM C. BOUCK.

Feb. 18*th*, 1829.

Ordered, That the said communication be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act concerning the proof and acknowledgment of deeds," with the amendments thereto therewith delivered.

Ordered, That the said bill and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to divide the town of Kirkland in the county of Oneida," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were severally concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Copies of resolutions of the Senate, delivered by their clerk, were read, in the words following, to wit:

Resolved, (if the Assembly concur,) That during the remainder of the present session, all messages from the executive, reports, communications, and other papers presented to either the Senate or Assembly, when the same shall be ordered, shall be printed in octavo form, upon type of pica, to contain not less than 1050 ems upon the page.

Resolved, (if the Assembly concur,) That all bills shall be printed in the present folio form.

Ordered, That the said resolutions be laid upon the table.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act appointing commissioners to lay out a public highway in the town of Denmark in the county of Lewis."

MARTIN VAN BUREN.

Albany, February 19, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair. and Mr. Fitch, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising a loan to John I. Van Alen and his associates;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

FRIDAY, FEBRUARY 20, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Hamilton in the county of Madison, praying for the incorporation of a bank, to be located at Waterville in the county of Oneida, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of Warren, praying relief in relation to a dam erected across the outlet of Lake George in the county of Essex, was read, and referred to the committee on grievances.

The petition of Edward Lyde and others, praying for the passage of an act authorising them to transfer the title to certain real estate held by the said Edward Lyde and John M'Comb as trustees, was read, and referred to a select committee, consisting of Mr. Dayton, Mr. Arnold and Mr. Cargill.

The petition of George Hills and James Filmer, aliens, praying for the passage of a law authorising them to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of Darius Eggleston, praying for the passage of a law authorising the canal board to settle his claims against the state for work done on the canal, was read. and referred to the canal board.

The petition of sundry inhabitants of the town of Durham in the county of Greene, praying for the passage of a law authorising the construction of a rail-road from the Erie canal at the village of Canajoharie, to the village of Catskill, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Shawangunk in the county of Ulster, praying for the passage of a law authorising a tax to be levied and collected in said town, for the construction of a bridge over the Shawangunk creek, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the counties of Allegany, Cattaraugus and Livingston, praying for the construction of a canal from Olean in the county of Cattaraugus, along the valley of the Genesee river, to the village of Rochester in the county of Monroe, was read, and referred to the committee on canals and internal improvements.

The memorial and remonstrance of Nathan Williams and others, of the county of Oneida, against any alteration of the law regulating the practice of botanic physicians, was read, and referred to the committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of Western, Oneida county, praying for the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the village of Rochester, relative to the firemen in said village, was read, and referred to a select committee, consisting of Mr. Norton, Mr. Garbutt and Mr. Willey.

The petition of sundry inhabitants of the counties of Ulster and Dutchess, praying for the passage of a law authorising the erection of a toll drawbridge across the Rondout creek in the county of Ulster, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

A remonstrance of sundry inhabitants of the towns of Goshen, Walkill, Montgomery, New-Windsor and Blooming-Grove, in the county of Orange, remonstrating against the erection of a new town from the said towns, was read, and referred to the committee of the whole, when on the bill on that subject.

A petition of sundry inhabitants of the county of Orange, praying for an amendment of the law imposing a tax on dogs in said county, was read, and referred to the committee on agriculture.

The petition of sundry inhabitants of the town of Oswegatchie in the county of St. Lawrence, praying for the passage of an act to authorise the supervisors of the county of St. Lawrence to levy a tax on said town, for the purpose of building a bridge, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Chautauque, praying the repeal of the law prohibiting the practice of botanic physicians, was read, and referred to the committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the towns of Manheim and Salisbury in the county of Herkimer, praying that commissioners may be appointed to lay out a certain road therein mentioned, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of Remsen academy, in the county of Oneida, reported:

That this is an application for an act of incorporation, and for the appropriation of the poor fund of the town, for the support of an academy.

The petitioners state, that they have, at an expense of from ten to twelve hundred dollars, erected an academy upon a lot of ground given for that purpose, by the late Oliver Smith; that a school was put in operation in November, 1827, where about eighty-five scholars have been instructed in the higher branches of education; that many difficulties have been experienced for the want of an act of incorporation.

They further state, that the supervisors of the county of Oneida have recently resolved to build a county poor-house, and to abolish the distinction between town and county poor; that the town of Remsen has, by rigid economy, and the liberal donations of individuals, accumulated a poor fund to the amount of more than one thousand dollars, and they ask that a provision may be inserted in the act, appropriating this fund for the benefit of their academy.

Among the papers referred to the committee, relating to this subject, there is a remonstrance of the trustees of Steuben academy, in the same county, against the prayer of the petition.

They state, that their academy was incorporated in the year 1826, and is situated within four miles of Remsen; that the population in that section of the country is thin; that one academy is amply sufficient to afford the means of education to that community, and that two cannot be sustained. They protest, in strong terms, against the justice and propriety of passing an act which would operate most injuriously upon the prosperity of an institution already incorporated, and which was established at great expense by the liberality and enterprise of a few individuals, for the benefit of that section of the country. The facts stated in the remonstrance are not disputed, and are believed to be conclusive against the application.

The poor fund referred to in the petition, belongs to the town. There has been no satisfactory evidence before the committee, that a majority of the inhabitants are in favor of appropriating it in the manner proposed. The committee think it would be unwise for the legislature to assume the disposal of this fund, without a vote of the town; and as they have understood that a bill would be introduced authorising the several towns in that county, at their annual town-meetings, to dispose of their poor funds, they have directed their chairman to submit the following resolution.

Resolved, That the petitioners have leave to withdraw their petition.

Ordered, That the said report and resolution be laid upon the table.

Mr. Arnold, from the committee on the militia, to which was referred the petition of the field officers of the 13th regiment of the New-York state artillery, praying for the passage of a law authorising a regimental court-martial, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Arnold, according to leave, brought in the said bill, entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial, for certain purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Brown asked for and obtained leave to bring in a bill entitled "An act authorising the town of Mount-Pleasant in the county of Westchester, to sell its town poor-house and farm;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising a loan to John I. Van Alen and his associates;" the said report being that the committee had gone through the said bill, made an amendment thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer," and find the said bill correctly engrossed.

The said engrossed bill, entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain mo-

nied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs and legal representatives of John Thompson deceased;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Partridge, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising David Reeve to erect a dock in the town of Flushing;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer," and the bill entitled "An act for the relief of Cornelius Higgins," with the amendments to the said bills therewith delivered.

The said bills and amendments were read; and the amendments having been again read, were severally concurred in by the house, and the bills amended accordingly.

Ordered, That the clerk deliver the said bills and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same accordingly.

The petition of Samuel Jackson, praying permission to appeal to the supreme court from an assessment of the canal commissioners, was read, and referred to the committee on the judiciary.

The petition of Joseph Campbell, praying remuneration for damages sustained by the construction of the Champlain canal, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the counties of Lewis, and St. Lawrence, praying for the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, FEBRUARY 21, 1829.

The House met pursuant to adjournment.

Two several petitions of sundry inhabitants of the counties of Erie and Niagara, residing on the margin of the Tonewanda creek, praying that a law may be passed, authorising the canal commissioners to lower the dam across said creek, were read, and referred to the canal commissioners.

The petition of sundry inhabitants of the county of Warren, praying relief in relation to a dam erected across the outlet of Lake George in the county of Essex, was read, and referred to the committee on grievances.

The petition of Elisha Johnson and others, praying for the incorporation of a company to construct a canal and rail-road from Rochester to the head of sloop navigation on the Genesee river, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the county of Tompkins, praying for the repeal of the law which prohibits the practice of botanic physicians, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the president, directors and company of the Oswego and Ithaca turnpike road company, praying for an alteration of their charter, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the towns of Auburn, Sennett and Brutus, in the county of Cayuga, remonstrating against the passage of a law appointing commissioners to lay out a public highway from the village of Auburn in the county of Cayuga, to the village of Weedsport in said county, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the New-York sacred music society, praying for the passage of an act of incorporation, was read, and referred to the committee on the incorporation of charitable and religious societies.

The remonstrance of sundry inhabitants of the county of Ulster, against the erection of a toll-bridge across the Rondout creek in said county, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the counties of Saratoga, Montgomery and Schenectady, praying an amendment of the act entitled "An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk river," was read, and referred to a select committee, consisting of Mr. Paige, Mr. Wheeler and Mr. Spier.

The petition of Mary Smith of the county of Tompkins, and sundry others in her behalf, praying that the said Mary may be permitted to purchase subdivision number 3 of lot number 90 in the town of Lansing, at its appraised value, was read, and referred to the committee on public lands.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the president and directors of the Albany and Greene turnpike road company, praying for an amendment to their act of incorporation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Albany and Greene turnpike road company,' passed April 7th, 1806, and the several acts amending the same;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Lyons in the county of Wayne, praying for the passage of a law authorising the board of supervisors

of said county to levy a tax on said town, for the erection of a bridge, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act for raising a sum not exceeding two thousand dollars, by a tax on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of the president and trustees of the village of Syracuse, praying for an alteration in the act of the incorporation of said village, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Utica, praying for the passage of a law authorising them to elect their own president, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act authorising the election of the president of the village of Utica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ruggles, from the committee on the militia, to which was referred the petition of sundry general and field officers of infantry, in the city of New-York, praying for the passage of an act, amendatory of the law relating to the militia in the city and county of New-York, so as to require the several presidents of the several brigade courts martial to pay over the net proceeds of fines received by them to a board of officers, composed of the several commandants of divisions and brigades, or to a treasurer, to be appointed by them, within the time fixed by law for such payment, to be by the said board distributed, in equal division, among the several commandants of regiments, to be by them employed in defraying the usual expenses of printing, music, &c. and the balance to be accounted for to the said board; or requiring the said board to pay out of the said fund such expenses as may be certified to be correct by the commandants of regiments, and distributing the balance among newly organized regiments, reported:

That the committee, upon mature consideration, are opposed to the proposed alteration of the existing law, and amongst others, for the following reasons. The foundation of the system of public defence is a rigid and accurate enrolment of persons subject to military duty; that without great strictness in the performance of this part of the duty of militia officers, the physical strength of the state cannot be correctly ascertained, and the organization of the militia would necessarily be imperfect.

As an inducement to the strict and correct performance of this duty, the officers of the corps of infantry are made to depend for remuneration for expenditures for colors, printing, music, &c. upon the penalties which shall be collected for delinquencies. If, therefore, there should be a consolidation of military fines, this duty might be carelessly and inadequately performed.

Brigades of infantry usually consist of three or four regiments, forming distinct military corps, relying upon the prompt performance of the duty of their respective officers and their own economy, to render their respective corps respectable by supplying them with the usual embellishments of war, such as elegant standards, good martial music, &c. Take from them these inducements, by making a general fund, and you destroy the *esprit de corps*, and put an end to emulation among the different brigades.

Besides the tendency of such a law to destroy the efficiency and discipline of the militia, its operation might be unjust and inequitable. In some brigades, enrolments might be altogether omitted, or the commandants might not order courts martial within the time prescribed by law: such brigades would, consequently, contribute no funds. Thus the corps which had strictly performed their duty, would be compelled to supply the deficiencies occasioned by the carelessness and neglect of duty of the officers of other corps.

Experience has sufficiently demonstrated the impolicy of consolidating the funds of the different military corps. Some years since, the legislature of this state enacted a law, directing the payment of all moneys collected for military fines into the treasury of the state, and also providing that requisitions be made on it, for necessary expenses. The result was, that the state was brought considerably in debt, and the system abandoned.

The committee would, therefore, recommend to the house the adoption of the following resolution.

Resolved, That the prayer of the petitioners ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Burt, from the select committee to which was referred the several petitions from different parts of this state, in relation to the passage of a law allowing builders of houses to have a lien on the same for payment of their contracts, reported:

That in presenting to the consideration of the legislature this report, the committee wish to be understood that they are governed by what they believe justice demands. The subject which the petitioners are appealing to their constituted authorities for relief, is one of great interest to a most respectable class of our citizens—the mechanic who desires to reap the fruits of his industry, by being secured in his contracts, which he makes with those that are under the necessity of resorting to him as an artist, to provide for themselves the comforts of a fine house, and the necessary buildings to complete an establishment for the conveniences of families.

This is a subject which has been agitated in the community for many years, and the journals shew that almost every year, the attention of previous legislatures has been called to notice the merits of similar applications; more frequently, however, of a local nature, which is the principal reason, the committee believe, that relief has not been granted.

A law, if necessary, should be general; because if found to afford security in our cities, the same reason would apply to villages, and finally to all parts of the state, in a greater or less degree. All seem to admit the justice of affording protection to the industrious mechanic, and that a law should receive the sanction of the present legislature, which would effect that object. It is believed by the committee, that a law can be so framed, as to guard the rights of all parties, where a disposition is shown that it is the intention of the parties to deal justly; and those of a contrary character, must expect that they will be obliged to abide the consequences and justice inflicted, by reason of their misrepresentations, made to induce the mechanic to undertake a job of work, and never intending to pay him for his labor.

The committee are informed, that some of our sister states have also felt the evils of which our citizens complain, and have already, by enactment, afforded that security—that the laborer was worthy of his hire, and should not be compelled to have his hard earnings stripped from him by some fraudulent transfer. And are the people of the state of New-York more free from artful and designing men, than those of other states? Probably not. Then why should not she feel a disposition to afford that security which will stimulate the mechanic to the faithful performance and fulfilment of his contracts?

It may be said that this is an alteration from a long established custom in relation to contracts, and that the person making the same should act with caution, and not be deceived. But the answer to this may be easily given. It is very improbable, when a person, and perhaps reputed to be wealthy, who

wishes to make contracts, that our common mechanic can say to this person, you must give me security, or I will not undertake. What would be the reply? Why, you shall not have this job. Rather than lose the prospect of providing for himself and family, he will take the risk; and perhaps before his contract is completed, his all has been expended, and the property is in the hands of some third person, who will not recognize his claim as due from him, but turn him off with saying, you must collect your demand from the person with whom you made your contract.

Therefore, because this law, if passed, will be an infringement of an old established custom, cannot, as the committee believe, be a sufficient reason that it should always remain so. Many of our tradesmen have a lien upon the articles manufactured by them, while in possession; which is an adoption of the principle which is considered by the community, as a provision highly beneficial to those who might otherwise be imposed upon.

The committee may also remind the house of the protection your laws has afforded to the landlord. And are the wealthy, and many times oppressive landlords, more entitled to protection than the mechanic, who, with his labor and ingenuity, does so much towards producing the comforts of life? Who is it, in case of necessity, you are obliged to resort to for the the defence of your rights? Is it not the mechanic? Then why not give him that security you have already by enactment granted the landlord?

It may then be asked with some appearance of reason. in what consists the difference which is so visible in the characters of our citizens? The answer is plain and easy. It consists in the feelings of the heart—in that noble sentiment of independence, which tells the lowest citizen of a free state, that he is a man, and as such, has an equal claim to the protection of the laws with the proudest and most wealthy of his countrymen.

Deprive him of this, and his whole nature alters. It matters little by what means the change is produced; whether by the hand of power or by the pressure of poverty and distress; the effect in either case will be similar.

Behold the man whose arm alone is sufficient to procure him every necessary of life; with what a bold and elevated countenance he looks around him. The smile of content sits light upon his brow: his smile is the characteristic of freedom: it denotes the feelings of a heart which can reply with fearless dignity to the mightiest of mankind, I am like yourself.

Imagine to yourself a circle of a family, whose father has been entrapped in consequence of being misled by the arts of some intriguing speculator, who wishes to reap the fruits of another's industry, and say, if these things do exist. And it is fair to presume they do: otherwise you would not find your citizens praying for relief.

The committee will ask the attention of the legislature, for their consideration, in relation to the usefulness of this portion of our community, in comparison with the whole mass, and say, if they should not receive that protection from this government, to which their standing in society entitles them.

By our institutions, all claim equal rights, privileges and protection; and certainly no one is found to be more useful than the mechanic whom the present bill proposes to relieve. The committee might adduce many more reasons in favor of this application; but presume, to this enlightened legislature, it would be wholly unnecessary.

They have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act securing to mechanics, payment of their contracts for erecting houses and other buildings;" which was read the first time. and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Brinkerhoff, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Sodus canal company," reported, that they have examined the said bill, prepared sundry amendments thereto. and with the said amendments, see no reason why the same should not become a law.

Ordered, That the said bill and amendments be committed to a committee of the whole house.

On motion of Mr. J. M'Donald,

Ordered, That the report of the canal commissioners on the petition of Isaac Vail, be referred to the committee on claims.

Ordered, That the bill entitled "An act further to extend the time for the payment of moneys loaned by the commissioners of loans and loan-officers, to citizens of this state," together with the amendments of the Senate thereto, be committed to a committee of the whole house.

Mr. Burt gave notice that he would, at some future day, ask leave to introduce a bill to repeal the act incorporating the president, directors and company of the Bank of Niagara.

The house then proceeded to the consideration of the resolutions of the Senate of the 19th instant, relative to the printing of communications, reports, and other papers presented to the legislature.

The said resolutions were again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That during the remainder of the present session, all messages from the executive, reports, communications, and other papers presented to either the Senate or Assembly, when the same shall be ordered, shall be printed in octavo form, upon type of pica, to contain not less than 1050 ems upon the page.

Resolved, (if the Assembly concur,) That all bills shall be printed in the present folio form.

Thereupon,

Resolved, That this house concur with the Senate in their said resolutions.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners in answer to the reference of the honorable the Assembly, of the petition of a number of "inhabitants residing at and near the head of the Seneca lake, and others interested in the health of that section of the state, praying that the canal commissioners may be directed to reduce the waters of the Seneca lake to a level with its outlet, between the lake and the reef at Waterloo, or as much lower as may be deemed sufficient to reclaim the marshes": and also in obedience to a resolution of the 12th instant, accompanying said petition, respectfully report:

That the resolution requires them to report, First—"how great a reduction is necessary to bring the waters of Seneca lake, at their natural level, to a level with the outlet, or the body of water between the lake and the reef at Waterloo?"

If by the body of water is meant the outlet about half a mile below the foot of the lake, a reduction of eighteen inches would be required: if the level of the water in the outlet immediately above the Waterloo dam is intended, a reduction of about three feet would be necessary: if the reef on which the Waterloo dam rests is intended, a reduction of about five feet would be required.

Second—"Can such reduction be made without endangering a full supply of water for the navigation of the Cayuga and Seneca canal?"

A reduction upon either of the foregoing propositions, will not endanger a supply of water for navigation.

Third—"If so reduced, will it be necessary to deepen any part of the canal, already constructed? If necessary, to what depth beyond the present bottom? and what will be the probable expense of such deepening and of the excavation to be made, for the purpose of reducing the waters of the lake to such level?"

If the level of the water in the outlet about half a mile below the foot of the lake is assumed, it would be necessary to reduce the bottom of the canal from the foot of the lake to Geneva, being a distance of one mile fifty-eight chains, and require the excavation of 15,594 cubic yards, a part of which would be difficult and expensive; and as all this excavation must be done in four feet of

water, it would be somewhat difficult to estimate the expense, but it is believed that it could be done for about thirty cents per cubic yard.

If the level of the water in the outlet, immediately above the Waterloo dam, is to be adopted, it would be necessary to widen and deepen the channel of the outlet at several points; and as this level would be lower than the one last mentioned, it would increase the depth of cutting in the bottom of the canal, from the foot of the lake to Geneva.

If the level of the reef on which the Waterloo dam rests, is assumed, it would materially increase the expense of all the work before mentioned, and also render it necessary to deepen the canal at Waterloo and rebuild one lock.

The expense attending either of the two last propositions we are unable to estimate with any degree of accuracy.

In order to reduce the water of the lake below its natural level, upon either of the foregoing propositions, it would be necessary to enlarge the outlet immediately at the foot of the lake.

The Cayuga and Seneca canal will be navigable early next spring, and it would be somewhat difficult to excavate the earth in the bottom of the canal, without producing some interruption to the navigation The bottom of the canal at Waterloo is in part rock, and could only be excavated by entirely drawing off the water, which would of course be a suspension of the navigation.

It is apprehended by the owners of hydraulic establishments, that if the natural outlet, at the foot of the lake, should be so enlarged as to reduce the water in the lake below its natural level, it would injure the supply of water for about three months in the season. It is said that the natural obstructions at the foot of the lake prevents an early discharge of the spring flood, and that the lake serves as a reservoir during the dry months in the season, and we are inclined to believe that there is some force in this argument.

But we are of opinion, that this objection can be obviated, by raising the Waterloo dam five feet above the bottom of the canal, one foot of which would serve as a reservoir to be drawn from during the dry months in the season.—The descent from the natural level of the lake, to the top of the Waterloo dam, being three feet five inches, it would be practicable to raise said dam one foot, and by giving a proper capacity to the channel in the outlet above, to reduce the water of the lake below its natural level, from one and a half to two feet, leaving a declevity in the outlet of five inches.

The reduction of the water in the lake, below its natural level, on the plan last suggested, would be expensive.

By a reference to former reports on this subject, it will be seen that we have stated that "it is not practicable to reduce the water in the lake three feet below its natural level, without entirely removing the Waterloo dam and excavating a channel through the rock on which it rests." The commissioners were led to this conclusion by the report of the engineer to the legislature, in which he says, "to effect the proposed reduction of the surface of the lake, (meaning three feet,) it will therefore be necessary totally to remove the Waterloo dam and to deepen the canal at least two feet more, extending the excavation up the channel to the head of the island."

A careful levelling made last May, shewed the difference in the level between the lake and the reef, on which the dam rests, to be greater than was indicated in the report of the engineer.

WM. C. BOUCK,
SAMUEL YOUNG,
HENRY SEYMOUR.

February 20th, 1829.

Ordered, That the said communication, and the documents accompanying the same, be referred to the committee on canals and internal improvements.

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature.

The house then proceeded to the consideration of the amendment of the Senate to the bill entitled "An act to incorporate the Albany institute."

The said bill and amendment were read; and the amendment having been again read, Mr. Speaker put the question whether the house would concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 87}
{NAYS 00}

Those who voted in the affirmative are—

Mr Al Burtis	Mr. Dickson	Mr. Hubbard	Mr. Sheppard
Mr. Allison	Mr. Dyckman	Mr. Hynds	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Jenkins	Mr. Sloughter
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. H. D. Smith
Mr. C. Baker	Mr. Eldridge	Mr. Keith	Mr. Soper
Mr. E. Baker	Mr. Falley	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Fillmore	Mr. Mallory	Mr. Spier
Mr. Bogert	Mr. Fitch	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Fleming	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Fowler	Mr. W. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Franklin	Mr. M'Niel	Mr. Tailor
Mr. Brinkerhoff	Mr. P. C. Fuller	Mr. Morell	Mr. Tower
Mr. Brown	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Norton	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Gosman	Mr. Patridge	Mr. Wheeler
Mr. Case	Mr. Graham	Mr. Randall	Mr. White
Mr. Chandler	Mr. Gross	Mr. Redfield	Mr. Willey
Mr. Collier	Mr. W. Hall	Mr. Ruggles	Mr. Williamson
Mr. Curtiss	Mr. Hammond	Mr. Savage	Mr. Wyckoff
Mr. Dana	Mr. Hedges	Mr. Scott	Mr. Young
Mr. Dayton	Mr. Heermans	Mr. Seeley	87

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising a loan to John I. Van Alen and his associates," and find the said bill correctly engrossed.

The said engrossed bill, entitled "An act authorising a loan to John I. Van Alen and his associates," was read the third time.

Mr. Speaker put the question on the final passage of the said bill, and it was determined in the affirmative.

{AYES 70}
{NAYS 23}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Arnold	Mr. Dayton	Mr. Johnson	Mr. Sheppard
Mr. Bacon	Mr. Dickson	Mr. Jones	Mr. Skinner
Mr. Bailey	Mr. Dyckman	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Dygert	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. Fowler	Mr. W. M'Donald	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Niel	Mr. Stanton
Mr. Bostwick	Mr. Gardiner	Mr. Morell	Mr. Starr
Mr. Bradish	Mr. Gosman	Mr. Norton	Mr. Tabor
Mr. Brown	Mr. Gross	Mr. Paige	Mr. Tailor
Mr. Burt	Mr. Hascall	Mr. Partridge	Mr. Titus
Mr. Carley	Mr. Hazeltine	Mr. Randall	Mr. Tower
Mr. Carrier	Mr. Heermans	Mr. Redfield	Mr. P. Van Beuren
Mr. Case	Mr. Holdridge	Mr. Ruggles	Mr. Wheeler
Mr. Chandler	Mr. Hornbeek	Mr. Savage	Mr. White
Mr. Collier	Mr. Hubbard	Mr. Scott	Mr. Willey
Mr. Curtiss	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dana	Mr. Hynds		70

Those who voted in the negative are—

Mr. Al Burtis	Mr. Falley	Mr. Goodman	Mr. Noble
Mr. Allison	Mr. Fitch	Mr. Graham	Mr. Soper
Mr. Armstrong	Mr. Franklin	Mr. W. Hall	Mr. Waugh
Mr. Boynton	Mr. W. K. Fuller	Mr. Hedges	Mr. Williamson
Mr. Cargill	Mr. Garbutt	Mr. J. M'Donold	Mr. Wyckoff
Mr. Edgerton	Mr. Garnsey	Mr. Mixer	23

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act authorising David Reeve to erect a dock in the town of Flushing," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The Senate returned, by their clerk, the bill entitled "An act for the relief of Cornelius Higgins," and the bill entitled "An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer."

Ordered, That the clerk deliver the said bills to the Governor.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair. and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to divide the town of Kirkland in the county of Oneida."

"An act to alter the time of holding town-meetings in the towns of Danube and Starks in the county of Herkimer."

"An act for the relief of Cornelius Higgins."

MARTIN VAN BUREN.

Albany, *February* 21, 1829.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, FEBRUARY 23, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of the Susquehannah and Chemung navigation and rail-road company, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the town of Camillus in the county of Onondaga, praying for a division of said town, was read, and referred to the select committee of which Mr. Jenkins is chairman.

The petition of Joseph Chambers and Benjamin Chambers, praying for the passage of a law, authorising them to erect a dam in the Susquehannah river, in the town of Union, in the county of Broome. was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of E. M. Buell and others, praying for the passage of a law to confirm the appointment of the superintendent of the poor-house in the county of Livingston, was read, and referred to the committee on the judiciary.

The petition of John Young and others, praying for the passage of a law to authorise the comptroller to receive the return of certain arrears of taxes from the treasurer of the county of Livingston, was read, and referred to a select committee, consisting of Mr. P. C. Fuller, Mr. Goodman and Mr. Hazeltine.

The petition of sundry inhabitants of the counties of Greene, Schoharie and Otsego, praying for the incorporation of a company for the purpose of constructing a turnpike road from Cooperstown in the county of Otsego, to the village of Durham in the county of Greene, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of tur. pike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Shawangunk in the county of Ulster, praying for the passage of a law to authorise the collection of a tax in said town, for the purpose of building a bridge across the Shawangunk creek, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the board of supervisors of the county of Ulster to raise by tax one thousand dollars, on the inhabitants of the town of Shawangunk in said county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bradish, from the select committee to which was referred the memorial of the president, managers, and company of the Delaware and Hudson canal company, praying a loan of the credit of the state for $500,000, reported:

That upon a subject of such peculiar interest to the memorialists, and of so much importance to the state, as that referred to them, the committee have felt it their duty to bestow the most patient and careful attention. In their deliberations upon this subject, they have been greatly aided by the detailed and able report made to the Senate on the 1st Feb. 1827, by the Hon. Silas Wright, Jun. and also by the very interesting and satisfactory communication upon this subject made to this house on the 27th ult. by the Hon. W. L. Marcy, late comptroller of the state.

By the former valuable document, which will be found on pages 117, 118, 119, 120, 121 and 122 of the journal of the Senate, for the year 1827, it appears that the memorialists were incorporated on the 23d of April, 1823, with a capital of $500.000, for the purpose of constructing a canal from the river Delaware to the river Hudson; of improving the navigation of the river Lackawaxen, and of purchasing certain coal mines in Pennsylvania. By an act passed on the 17th April, 1824, the said company were authorised to increase their capi-

tal to $1,500,000, and to extend their canal up the Delaware river to the mouth of the river Lackawaxen. By an act passed the 19th Nov. 1824, the company were authorised to employ, for twenty years, $500,000 of their capital in banking, in the city of New-York; but in case the company did not, within six months after the election of the first board of managers, commence the making of a canal or slack water navigation from the tide waters of the Hudson to the head waters of the Lackawaxen river, and did not expend in each and every succeeding year thereafter, at least $150,000, between the Hudson and Delaware rivers, until the canal or navigation should be completed between the said rivers, or should not have completed the whole line of navigation from the Hudson to the head of the Lackawaxen, within seven years from the passage of that act, so as to open a complete channel for the transportation of coal to this state; then, in either of those events, the banking privileges thereby granted were to cease and determine.

Under these several acts the company went into operation, in the early part of the year 182 , and in the summer of that year commenced their canal between the Hudson and Delaware rivers. In the course of that and the following season, the company completed their canal between the Hudson and Delaware, a distance of fifty-nine miles, and made considerable progress in extending it along the Delaware, towards the mouth of the Lackawaxen. Upon that part of the canal then completed, the company had constructed sixty lift-locks and one guard-lock, of hammered stone, laid in water cement; one aqueduct over the Neversink river, of two hundred and twenty-four feet in length, upon stone piers and abutments; one over the Rondout, entirely of stone, built upon two stone arches, the one of sixty feet and the other of fifty feet chord; ten other aqueducts, of various dimensions, all upon stone piers and abutments; fifteen culverts, all of stone; ninety-three bridges, with stone abutments and wing walls; and fences along most of the line of the canal: the company have since constructed upon this section of their canal, forty lock houses. They had expended upon this part of their canal, between the Hudson and Delaware, $772,000, $21,000 less than the original estimate of Judge Wright, the engineer employed by the company to survey and estimate this work. They had also expended on their canal, along the Delaware river, $37,000; in the purchase of coal beds in Pennsylvania, and real estate at the junction of their canal with the Hudson and Delaware, $52,500; and for boats to be used on the canal, $8,000, making their whole expenditure, on account of their canal and its accessories, $869,500. This expenditure was all made within one year and a half after the organization of the company, during which time they were, by their charter, to have expended only $225,000.

At this period, the company perceived that considerable additional funds would be necessary for the entire accomplishment of the enterprise in which they had embarked. These funds they had no means of providing, but by an appropriation of their banking capital to this object; by an increase of their canal capital; or by raising them upon their property or credit. They could not appropriate their banking capital to this object in good faith to the holders of their stock; or with safety either to the company or the public. Still more difficult would it have been to increase their canal capital by subscription. One-third only of their whole capital was yet productive. Their work was still incomplete; and although its early flattering prospects of advantage had been in no degree weakened by time and experience thus far, yet its entire success still remained problematical. To extend their subscription to their canal stock, therefore, would have been impossible. Under these embarrassments, the company applied to the legislature for aid. This application was favorably received.

That legislature had known the operations of this company, They had seen the credit and character they had given to their banking institution. They saw them embarked in an enterprise of great public good. They had witnessed the great vigor and unexampled economy and despatch, with which they had advanced thus far in the prosecution of their meritorious object. The company had already expended in this public spirited enterprise nearly

$1,000,000. Further considerable funds were still necessary, and the company's means were deficient. That legislature, therefore, with a liberality and enlarged policy becoming the representatives of an enlightened and patriotic state, ever ready to second the exertions of all who are engaged in enterprises of public good, granted the aid sought. On the 10th of March, 1827, an act was passed, loaning the credit of the state for $500,000, to the company, upon a pledge of their canal property. This act further authorised the company to raise, by way of loan, upon its general credit, an additional sum of $300,000.

For the manner in which that act has been partly carried into effect, the committee beg leave to refer to the communication already mentioned, of the late comptroller, to this house upon that subject. From this it appears, that in pursuance of that act, the company did, on the 14th of March, 1827, execute to the people of this state, a mortgage upon their entire canal property. Satisfactory evidence of the validity of the company's title to this property, was submitted to the attorney-general, who made a full examination of the title deeds, and approved the mortgage. The latter was accepted by the comptroller, in behalf of the state, on the 16th of March 1827. The stock was afterwards issued to the company in conformity with the provisions of the said act, and the premium, amounting to $46,205, faithfully applied to its object, the common school fund.

By this liberal countenance and timely aid of the state, the hopes of the company were re-animated, and they looked forward, with renewed confidence, to an early and full accomplishment of their great enterprise. With the new means thus acquired, they went on with their operations with new and increased vigor. They despatched an engineer of acknowledged merit to England, for the purpose of examining the canals and rail roads in that country, and of procuring the iron plates and machinery for the company's rail road. That engineer has since returned to this country, and as is believed, with the most accurate and valuable information upon the subject of his mission, and having procured, upon most advantageous terms, the materials necessary for the rail road. These latter have also since arrived in this country.

In the mean time the company have completed their canal along the Delaware, the most difficult and most expensive part of their work. Upon this section of twenty-two miles, they have constructed four aqueducts, with stone piers and abutments; two culverts in stone; nineteen bridges, with stone abutments and wing walls; eight waste weirs; thirteen locks, with stone walls and wooden chambers; twelve lock houses; twelve miles of stone embankment; three and two-fifths miles of excavation for the whole canal in solid rock.

The company have also extended their canal up the Lackawaxen to the forks of the Dyberry. Upon this section of twenty-five miles, there are three aqueducts, with stone piers and abutments; one culvert in stone; twenty-five bridges, with stone abutments and wing walls; sixteen waste weirs; thirty-seven locks, with stone walls and wooden chambers; thirty one lock houses; thirteen miles of stone embankment; and one and three-fourths miles of excavation in rock.

At the forks of the Dyberry the canal terminates. In the month of October last, the canal, in its whole extent of 106 miles, was completed, and received the last test of its sufficiency by the letting of the water into it. The result of this last test was perfectly satisfactory, as to the solidity of the work; and, at the same time, established another point of great importance, the perfect sufficiency, indeed superabundant supply of water. On the 19th of November, the company had the satisfaction of seeing the first squadron of boats arrive at the head of their canal, laden with iron plates and machinery for their rail road. Considerable progress has already been made in the construction of this last part of their great work; and with the additional financial means necessary for that purpose, it may be completed in June next. But in approaching this termination of their enterprise, the company have encountered new and unforeseen difficulties. The act of 10th March, 1827, besides loaning to the said company the credit of the state for $500,000, authorised the company to raise, by way of loan upon its general credit, the further sum of $300,000; these

two sums together making the amount then estimated necessary to complete their work. But of this latter provision of that act, the company have been unable to avail themselves. The state having a first lien upon their entire canal property and its accessories, capitalists, who might otherwise have been induced to loan their funds upon a pledge of this property, have been found unwilling to do so upon a second mortgage thereon. The company have no other means of raising the further funds necessary for the entire accomplishment of their enterprise. Under these circumstances, and relying upon that enlightened liberality and enlarged policy to which they have heretofore appealed with so much success, the company again address themselves to the legislature upon this subject, and ask a further loan of the credit of the state for $500,000, to be secured in the same manner as is provided by the act of 10th March, 1827.

In examining the merits of this application, various important considerations have presented themselves to the minds of the committee. These seem to involve the inquiries,

1st. Whether it be good policy in the state, in any case, to adopt this mode of effecting objects of internal improvement; and embark, in this form, in aid of such private enterprises as are of a public character, and are connected with the public good? If so,

2dly. Whether the enterprise of the Delaware and Hudson canal company be of that character? And if so,

3dly. Whether the public benefits of the work, and the security offered by the company, be sufficient to justify the additional loan of the credit of the state now asked for by them.

Although the committee consider the state as having, by its act of the 10th of March, 1827, already decided in the affirmative, the first and second of the above questions, yet they ask to be indulged in a few remarks upon the general subject embraced in the first of those questions, and to submit some considerations which seem to them strongly to recommend the policy already adopted by the state.

In enterprises of internal improvement undertaken by individuals or corporations, interest creates the strongest motive, and affords the safest guaranty for caution and prudence in their first projection, and for economy and wisdom in their construction and subsequent management. Where the fortunes, the hopes, and the character of individuals are to be embarked, none but projects that hold out a reasonable prospect of success, of advantage to the public, and consequent profit to those more immediately engaged in them, are likely to be undertaken. And these, under the direction of individual interest, will always be accomplished and managed with greater vigilance, economy and wisdom, than can, under the most perfect system attainable, ever be effected by a government. The state, therefore, in lending its aid to such projects, as far as may be safe, and consistent with its general duty to the public, and a proper care of all the various interests under its protection, does, in the opinion of the committee, most effectually promote the great cause of internal improvement. In saying this, however, the committee would not be understood as expressing the opinion that it would be a wise policy for the state to adopt this as its exclusive system of internal improvement. On the contrary, they would view this as merely an accessary to its present general system. In that system they trust the state will hold on her steady course; that nothing will be permitted to arrest her hitherto successful progress in a system which has given new life and vigor to our industry in all its departments; which has so greatly increased our agricultural and manufacturing production, and mercantile profit: which has, in short, covered the state with prosperity, and her name with glory: but that she will, as fast and as far as her means and a proper regard to the other objects of her care may permit, persevere in that system until the advantages of convenient and cheap transportation shall be extended to the remotest bounds of her territory, and to the most distant of her citizens. Nor would they, in all cases, make it an indispensable condition to the prosecution of this system, that it should directly bring revenue into the treasury: but in the increased prosperity thereby

diffused throughout the community, and the consequent increased wealth, capital and resources of the state, they would find a sufficient motive for advocating and encouraging particular projects. While, therefore, they would hope to see the state pursue her steady march in the prosecution of this great system of internal improvement, they would also hope to see her ever ready to afford her countenance and aid, as far as possible, to meritorious and public spirited individuals and corporations, engaged in the accomplishment of objects connected with the same system.

Considering, therefore, the 1st and 2d questions as already established, the 3d inquiry is, "Whether the public benefits of this work, and the security offered by the company, be sufficient to justify the additional loan of the credit of the state now asked for by them?"

Upon the subject of security, it will be recollected that, at the time the loan of the credit of the state was made to this company, the company had expended on their work only $869,500. To this, add $500,000, the sum then borrowed, and which was to be applied to the work, and the amount will be $1,369,500. This then, supposing the expenditure to have been judiciously made, and that the work was worth what it would then have cost, was the estimated value of the pledge for this first loan, according to its terms. The company have now expended in the purchase of additional real estate, and on their work $1,875,000. Add to this $500,000, the loan now asked, and which, if granted, is also to be applied to the completion of the work, and the amount will be $2,375,000. Deduct from this sum, $1,369,500, the estimated value of the pledge for the first loan, and, upon the former supposition, there will remain $1,005,500, the value fairly to be estimated of the pledge for the second loan. In addition to this, it should be considered that the sum, now asked for, is absolutely necessary to complete the work, and thereby render productive the pledge now held by the state for the first loan. So that even supposing the worst to happen—even that which timidity or interested hostility alone have secretly insinuated, but of which there is not the slightest shadow of probability, that the company should abandon their work to the state, for the loan already granted, the state would then be compelled to expend on its own account the very sum now asked, in order to give effective value to the property. But the fact that the company have embarked their character in this enterprise, and have, as they believe judiciously, already expended thereon their private fortunes to the extent of $1,375,000, furnishes the most conclusive answer to these suggestions of timidity, or hostile interest, and affords the state the strongest guaranty that the company will make every possible effort, and even sacrifice, in order to retain the possession of a property they deem so valuable, and of the future productiveness of which, every step of their progress thus far, and their whole experience hitherto, have but confirmed their most sanguine hopes. The grounds upon which these hopes rest are those upon which also depend the security of the state. To these, therefore, the committee have felt it their duty to give the most minute and careful attention.

What then are these grounds? What are the sources of profit to be derived from this work, to which the company may reasonably look for remuneration to themselves, and the consequent means of meeting, with promptness and fidelity, their engagements to the state? These have appeared to your committee to be,

1st. The ordinary transportation on the canal and rail road, connected with the general business of the country through which this work passes; and

2ndly. The coal trade.

The section of country accessible through this channel of communication, together with that to which it would more immediately afford the advantages of an easy and cheap transportation, is a country of considerable extent. Many parts of this country are naturally very fertile, and are already under high cultivation. The country, generally, is capable of furnishing a large surplus of agricultural and manufacturing products, and already consumes a considerable amount of merchandise. These would furnish immediately a considerable amount of tonnage for transportation on this canal and rail road, as they would all seek, through this channel, their proper market.

But in calculating the future productiveness of a canal or rail road, the committee believe it would be unfair and incorrect to confine that calculation to the amount of transportation which the country through which they pass would immediately furnish. A *priori* reasoning would anticipate, and all experience has actually shown, that works of this kind have invariably increased production: That in all cases, where the capacity of producing and consuming exists, the increase of articles for transportation has uniformly kept pace with the increased facilities for such transportation. With that capacity of the country through which this work passes, or which is accessible by means of it, the increased production which will doubtless be created by the work itself, is thought a legitimate basis of calculation in any estimate of its future profits. Upon the most probable and moderate estimate of those profits from this source, the company confidently believe that they will be found sufficient, at least, to defray the expense of superintendence and repairs of their work. This estimate seems, to the committee, a reasonable one. Beyond this, the company have not gone in their calculations of immediate revenue from this source. For a remuneration for their large investments of capital; for the hazards, the persevering efforts, the anxious solicitudes, and heavy responsibilities attending their enterprise, the company do now, as they have ever done, look to the anticipated profits of their coal trade: Upon these also must, after all, depend the security of the state. This, therefore, leads us to the examination of the second point.

The little experience we have as yet had in this country upon this subject, has led many to doubt whether a canal or rail road, based either exclusively or mainly on coal, could be profitable. The experience of other countries, however, abundantly shews the reverse. That of England has been the most extensive, and would therefore, perhaps, be the most safe in reference. It is, at the same time, the most satisfactory. By an examination of 100 of the most important canals of that country, and upwards of twenty of the most considerable rail roads, it will appear most conclusively established, that those which have been based either exclusively or mainly on coal, have been by far the most profitable. These have yielded to their stockholders, and now actually divide, from 10 to 100 per cent. per annum upon their investments. Indeed it may be stated as a fact, which experience in that country has fully established, that more than two-thirds of the entire revenue of their canals, and more than four-fifths of that of their rail roads is derived from coal. This result, extravagant as it may appear to some, and important as it will be admitted by all to be, is fully and satisfactorily explained by the fact, that more than twenty-eight millions of tons of coal are annually raised from the mines of Great Britain, and transported upon their canals and rail roads. The committee, therefore, think it too late now to entertain a doubt whether a canal or rail road based either exclusively or mainly on coal, can be profitable. Whether the work of the Delaware and Hudson canal company will be so, must depend upon its own peculiar circumstances and merits. These it now becomes necessary to examine in detail. In doing this the committee have considered,

1st. The company's supply of coal.

2ndly. Its quality.

3dly. The actual cost at which it can be delivered at tide water on the Hudson River. And,

4thly. The quantity that can be sold annually and at what price.

1. The company's supply of coal may be considered as inexhaustible. Their mines have been very thoroughly explored, and a detailed survey and estimate thereof made by Mr. James Stott, a gentleman distinguished for his science and experience in these matters. A report of this survey accompanied with maps, drawings, &c. has been laid before the committee, and has been to them perfectly satisfactory upon this branch of the subject.

2. As to the second point, the committee consider the character of this coal as fully and satisfactorily established as its quantity. The testimony of all who have used it concur in declaring its quality superior to that of any anthracite as yet known, both for domestic use and for manufacturing purposes. It seems to

unite the peculiar and valuable qualities of the two anthracites best known, and most extensively used in this country, viz: the Lehigh and the Schuylkill. All pronounce it superior to the Lehigh for manufacturing purposes, and to the Schuylkill for domestic use, and for generating steam. To this effect is the testimony of several respectable manufacturers and private gentlemen, who have used these three kinds of coal in these several ways. The committee, therefore, consider this point as conclusively established.

3. As to the cost at which this coal can be delivered at tide water on the Hudson river, the committee have carefully examined the estimates thereof, submitted to them by the company. These, it is proper to remark, are based upon actual experience, and contracts now existing. By these estimates, that cost is estimated at $3 per ton, for the current year; but, it is said, will be reduced to $2.52, when the company shall be in full operation. In these estimates the committee have entire confidence.

4. The fourth point embraces an inquiry much more extensive in its nature, and upon which it is much more difficult to arrive at absolute certainty. It is, however, believed by the committee, that upon this point it is possible to attain such reasonable probability as will be sufficient for the decision of any important question connected with this part of the subject. For this purpose it will be necessary to inquire,

1st. What will be the market accessible to this company? and,

2ndly. What the amount of coal required for such market?

That market we will suppose to be only the towns bordering on the Hudson river below Troy; the city of New-York; the islands in its neighborhood; and the country accessible through Long-Island Sound. The population, which this market embraces, may be estimated at 500,000, and the amount of fuel necessary for its consumption, equal at least to 500,000 tons of coal. But a large proportion of wood, say equal to seven-tenths of the entire consumption of fuel, is still used. The amount of coal, therefore, now in demand for this market, may be taken to be 150,000 tons. But while the consumption of wood is gradually decreasing, that of coal is increasing. It is confidently believed that this increase in the consumption of coal will be still more rapid if its price be reduced. This only is necessary to induce its substitution for wood on board of steam boats; and indeed, in all cases for the generation of steam, and for manufacturing establishments. The coal for this consumption is now supplied either from England, Nova Scotia, Virginia, the Lehigh or Schuylkill. In consequence of the great change which has taken place in our trade with England, the quantity of foreign coal imported is diminishing. That of Virginia, too, is relatively not increasing, either in quantity or in favour; while the anthracites are getting into more general use, and are daily becoming more popular; and this too, notwithstanding the gradual decline in the price of wood and the bituminous coals, and the gradual increase of that of the anthracites. Of these anthracites, the Lackawana, (which is the company's coal) the Lehigh and the Schuylkill, are the best known and most used. These, then, are the coals which are likely hereafter to supply the market in question.

In inquiring how far the Delaware and Hudson canal company are likely to participate in that market, the committee would be unwilling to put in disadvantageous comparison the rival interests of any other individuals or corporations, now laudably engaged in supplying that market with a good and cheap fuel. To such individuals and corporations, they feel in the highest degree friendly; and wish them all the success and profit, to which their enterprise and public spirit justly entitle them. Nor do the committee deem such comparison necessary, in order to arrive at a safe conclusion upon this subject. They believe the field sufficiently ample for all, and its bounds are constantly enlarging. Supposing then the demand for the market in question, to be as above assumed, that is 150,000 tons of coal per annum; (and the committee believe it will be much greater when the price shall be reduced,) and that the Delaware and Hudson canal company should participate only equally with the Lehigh and Schuylkill interests, in supplying that demand, the result would be 50,000 tons annually. Supposing the actual cost to be $3 per ton, and that it

be sold at $5 only per ton, the profit to the company will then be $100,000: this would be amply sufficient to pay the interest on the actual loan, and that now sought, and to provide a sinking fund for their ultimate redemption. That the Delaware and Hudson canal company will participate, at least to the extent supposed, with the two interests above mentioned, in the market in question, no one can for a moment entertain a doubt, who considers the established quality of their respective coals, and their respective facilities for bringing them into market. The committee will not inquire whether this company is likely to participate in this market to a greater extent than is above supposed, because they believe *that* sufficient for the present inquiry; but they feel themselves constrained, by a sense of duty, to advert to one circumstance, in their judgment important, and which ought in justice to be taken into consideration in any decision upon this branch of this subject. The Delaware and Hudson canal company are the sole owners, both of the mines from which they derive their coal, and the entire channel for its transportation to the tide waters of the Hudson. Neither for a supply of coal, therefore, nor for the means of getting it into market, are they at all dependent upon the caprices of a distinct, changing, and perhaps rival interest. They can, at all times, control their entire operations. This, the committee cannot but consider a very important advantage.

From a minute and full examination, therefore, of all the circumstances and considerations connected with this branch of the subject, the committee are unhesitatingly of opinion, that neither from any *known sources*, nor through any *existing*, *projected*, or *possible* channel of communication with those sources, can coal be brought into the market in question, into successful competition with that of the Delaware and Hudson canal company. Whether any new, and as yet unknown, sources of a better coal, will hereafter be discovered nearer to this market than any now known, is matter of mere conjecture, and of course too uncertain upon which to found any safe and practical conclusion. Upon this point, the committee cannot refrain from repeating the very judicious remark of the late comptroller, and which, in their opinion, does equal credit to his intelligence and to his wisdom. He observes, "that the hidden riches of this country are occasionally laid open by fortunate accident, or the persevering efforts of its enterprising inhabitants; and hopes may possibly be entertained by some, that valuable and abundant coal mines may yet be discovered on or near our navigable waters, that might supply the article much below the cost of bringing it to market from the region in which it is now known to exist. But men should not, and *wise* men do not, act with any special reference to such exceedingly rare events. They do not neglect improving the means they have, and spend their lives in waiting for fortune and accident to furnish them with better."

The committee, therefore, instead of entering upon the boundless but uncertain field of conjecture, or inquiring what may or may not be within the wide range of future possibilities, have thought it more safe to take things as they actually exist. Judging from these, and carefully considering all the circumstances connected with this subject, they are well persuaded that this work of the Delaware and Hudson canal company, cannot fail to be greatly profitable to its enterprising owners; and, of course, to furnish them with abundant means for the regular payment of the interest on the actual loan, and that now sought, and also to provide in season for their ultimate redemption. The committee, therefore, believe, that for the additional loan now asked, the company offer the state a reasonable and abundant security.

Having come to this conclusion, the committee ask leave to submit some of the considerations of a general nature, which have strongly presented themselves to their minds in its favor; and which they cannot but believe will induce its final adoption by the house.

This work of the Delaware and Hudson canal company ought not to be considered as a mere private enterprise, although as such it is, almost without parallel, magnificent; but it is a work of a public nature, intimately connected with the interests and with the character of the state. As one of her great works of internal improvement, which have already illustrated her name and formed the

broad basis of her prosperity and power, this work is second to but one. It is, at the same time a proud monument of the enterprise and public spirit of her citizens. For solidity and economy this canal may fairly challenge comparison. The rail road, when completed, it is believed will be one of the most perfect specimens of the kind in this or any other country. The company have been at great expense in obtaining from Europe all the information and improvements, which science or experiment have there given to the most perfect works of this kind. They have imported the first, and as the committee believe, the only locomotive engines as yet introduced into this country, and which are considered an improvement upon the most perfect heretofore in use in Europe. So that the company's rail road, combining as it will all the varieties of level, ascent and descent, with stationary and locomotive engines, will not only furnish to those, who may wish to use it, the means of cheap transportation, but will present to the American engineer the most perfect model of this means of internal communication. As connected, therefore, with the great interest of internal improvement, this whole work of the Delaware and Hudson canal company may be considered a public work. Its future utility and public benefits to the whole state will also entitle it to that character. To a large and productive section of her territory, and to a numerous and interesting portion of her population, it affords the advantages of a convenient and cheap transportation, to and from her great market. To the manufacturer it offers a material for which, in some of his operations, he has no good substitute, and which, in all others, is an invaluable acqusition. To the rich it offers a fuel superior in quality, and more reduced in price, than any as yet known. To the poor it brings a comfort, so reduced and moderate in its cost, as to be within the compass even of his humble means. And yet all this has been accomplished by private enterprise, with private capital, and at private risk and hazard. It has imposed no tax upon the people; it has not taken a dollar from the effective funds in the treasury, but has already placed there more than $46,000, for the benefit of that fund, in which we have all so deep an interest, "*The Common School Fund.*"

These considerations, in the judgment of the committee, present strong reasons in favor of this application; and such as, they feel well persuaded, will have their due weight with the representatives of a just and enlightened people, proud of her public works, and jealous of her public character. Profoundly impressed with these sentiments, the committee feel that they cannot better conclude their report upon this interesting subject, than in the language of the last paragraph of the memorial:

"The Erie canal stands first in the bright history of internal improvement, in the United States. Of those completed, the Delaware and Hudson canal may boldly claim the second rank. The company asks, for the last time, the assistance of the legislature; not for their misfortunes; not to compensate for losses, for they are proud to say that none have occurred; but in aid of a noble work, now on the verge of completion: a work which embellishes the character of the state, for enterprise and public spirit, while it opens to its citizens, the sure prospect of great and lasting advantages."

With this report the committee have prepared a bill, which they now ask leave to bring in.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Dayton, from the select committee to which was referred the petition of Edward Lyde and others, for an act authorising the said Edward Lyde and John M'Comb, surviving trustees under the will of Henry Spingler deceased, to sell certain real estate, reported:

That it appears to the committee, that Henry Spingler, who died in the year 1814, devised certain real estate situate in the (now) ninth and twelfth wards of the city of New-York, to Edward Lyde, John M'Comb and John Bonsall, as joint tenants in trust, for the use of his wife Mary Spingler, (one of the petitioners,) during her natural life, and after her death, for the use of his daughter Eliza Murray Fonerdon, (another of the petitioners,) with contingent remainders to other persons in the said will named, charged with the payment of an annuity for life to James Fonerdon, (another of the petitioners,) should he survive the said Mary Spingler and Eliza Murray Fonerdon.

It further appears, that the said John Bonsall has since died, whereby the said estate has become vested in the said Edward Lyde and John M'Comb, as surviving trustees, for the uses aforesaid.

It also appears to the committee, that a street called Thirteenth-street, has been opened through the said property, and regulated, but not paved; on which account, an assessment has been imposed upon a part of said premises, of eleven hundred and twenty-seven dollars and two cents, which is yet due and unpaid, together with interest thereon from June last: That proceedings are now pending before the corporation of the said city, for opening and regulating the fifth avenue and fourteenth and fifteenth streets, which are also intended to pass through the said premises; and for draining the low grounds thereon, which will occasion large additional assessments: That the said premises are almost wholly unproductive, and yield but a small annual income, altogether inadequate to satisfy the said assessment now due thereon, and to defray the ordinary taxes, and probable assessments, charges, and expenses attending the opening, regulating, and paving the avenue and streets aforesaid, and the filling in, regulating, and levelling the grounds adjoining the said avenue and streets; and considering the unproductiveness of the said estate, and the incumbrances thereon, there appears to the committee to be no mode by which the various assessments and expenses now incurred, and likely to be incurred, can be discharged by those interested, except by a sale of part of the said premises for that purpose.

The committee therefore recommend the passage of an act, authorising the said Edward Lyde and John M'Comb, surviving trustees, to sell and convey, from time to time, so much of the said real estate as may be necessary to discharge the assessment already imposed thereon, and other assessments and necessary expenses which may hereafter be incurred; for which purpose, the committee have prepared a bill, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act authorising Edward Lyde and John M'Comb, surviving trustees under the will of Henry Spingler deceased, to sell certain real estate;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Allison gave notice that he would, at some future day, ask leave to introduce a bill, confirming all conveyances made, and other business transacted, in the name of Ramapo, in the town of Hampstead in the county of Rockland, and to establish a permanent name for said town.

Mr. W. M'Donald gave notice that he would, on some future day, ask leave to introduce a bill to alter the time of holding the October term of the courts of common pleas and general sessions in the county of Warren.

Ordered, That Mr. Carley have leave of absence for twelve days, and Mr. Austin for three days.

Mr. A. Smith gave notice that he would, on some future day, ask leave to introduce a bill for the preservation of fish in certain ponds in Westchester county.

Mr. P. C. Fuller gave notice, that on some future day, he would ask leave to introduce a bill, declaring a certain section of the Canasaraga creek a public highway.

A communication from the comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
ALBANY, Feb. 23, 1829.

SIR,

I have the honor herewith to transmit a report, made in pursuance of a resolution of the Honorable the Assembly of the 17th instant.

I am, very respectfully,
Your obedient servant,
SILAS WRIGHT, JUNIOR.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK,
COMPTROLLER'S OFFICE.

The comptroller, in compliance with a resolution of the Honorable the Assembly, requesting him to report to that house, "any information in his possession or power, as to what would be the effect on the revenue of this state, should a superintendent of auctions be appointed for the city of New-York," respectfully reports:

That there is not within the possession or power of the comptroller, any information upon the subject of the inquiry made in the resolution, except such as is derived from the investigations made by his predecessor during the last summer, pursuant, as it would seem, to complaints made to him of the abuse and violation of the auction law in the city of New-York. This information is found embodied in a circular letter written by the late comptroller, and addressed to the several auctioneers in that city, detailing the violations and abuses, and pointing out the misconstructions of that law, so far as discovered by that officer in the examinations made by him.

The following is a copy of that letter:

COMPTROLLER'S OFFICE,
Albany, July 1, 1828.

SIR,

In consequence of repeated complaints made to me of the violation, or the abuse of the auction law, in the city of New-York, I conceived it my duty to give the subject an examination; and I extremely regret to say, this examination proves that these complaints were but too well founded. There are several auctioneers who have executed the law in its true spirit, and with a strict regard to its provisions: such will be conscious, without any assurance from me, that my remarks do not apply to them. There are too many, however, considering how respectable that class of officers is, to whom they will apply.

The violation of the auction law which is perhaps the most manifest, and seems to be carried to the most mischievous extent, is selling goods subject to duty (except those sold in original packages as imported, household furniture, and such bulky articles as have been usually sold in warehouses, or in public streets, or on the wharves,) in other places than the houses or stores designated by the auctioneers as their places for holding their auction sales.

By a reference to the 17th and 18th sections of the auction law, (Chap. XVII. Title I. of the Revised Statutes,) it will be perceived, that the provisions on this subject are too clear to have given rise to any misapprehension in the mind of those who had given them proper attention. The 17th section declares, that no auctioneer shall have more than *one house or store for the purpose of holding his auctions;* which *one house or store shall be designated by him in writing*, and the *writing* shall be filed with the *clerk of the city*. The 18th section prohibits any auctioneer from exposing any goods or articles, subject to duty, for sale by auction, *at any other place*, except such articles as I have before mentioned. I have indubitable proof as to some auctioneers, and the express acknowledgment of several others, that they have been in the constant habit of violating these plain and intelligible provisions of the auction law. Several auctioneers are in the

practie of selling books, subject to duty by auction, at other places than those houses or stores designated by them as the places for their public sales. Every sale of this kind is an unquestionable violation of the law, which subjects the offending auctioneer to an indictment for a misdemeanor, and a fine of $250 for each offence. The violation of the 17th and 18th sections of the auction law is not confined to the case of sales of books. I believe there is a case of one auctioneer, who has authorised sales, which, in strict conformity to the law, could only have been made at his designated store or house, in six or seven different places: several others have violated the law, but not so recklessly.

Sales have also been made without the continued presence of the auctioneer. Some auctioneers (the number I hope is few,) have reconciled it to their consciences (by what course of reason I am unable to divine,) to take the oath that they have attended personally, sales which have continued four or five hours, when in truth they have only been at the place of sale but a very small part of the time during which the sales were made. The attendance upon the sale by auction, which the law requires of the auctioneer, is a constant one. He must so particularly attend to and manage the sale, as to know that the account he swears to, is correct. If he swears that the account is correct, *without knowing* that it is so, he is guilty of perjury, even if it is correct. These remarks do not refer to those sales from which the auctioneer is absent in such cases and for such causes as are permitted by law.

In relation to auction sales of books, there has been, besides the frequent violation of the law to which I have alluded, a misconstruction of it, which has proved very detrimental to the public revenue: Only those books have been returned by some, if not all auctioneers, who have sold them, as dutiable, which have been imported. Books which are not manufactured within this state, are subject to duty. Those printed at Philadelphia, Boston, Baltimore, or any other place within the jurisdiction of the United States, except the state of New-York, are as much subject to duty as those printed at London or Edinburgh. Some of the auctioneers have acknowledged to me, that they have not returned books printed in any of the United States, as subject to duty; and I am informed, that the practice of all who sell books is similar. If this is so, the state has lost a very large amount of duties, by this misconstruction of the law. An attempt will be made to enforce the payment of these duties.

Several of the auctioneers have entered upon the execution of their offices, before they had designated the house or store for holding their sales, and filed the written designation with the clerk of the city. This is a violation of the law, punishable by indictment as a misdemeanor, and finable in a penalty of two hundred and fifty dollars.

The 21st section requires, that every auctioneer in the city of New-York, shall give two days' previous notice, in one or more of the public newspapers of that city, of the auction sales which he may *lawfully* make at any place other than the house or store designated by him for his sales. Any notice of such sales, *which is not in the name of the auctioneer who is to make them*, cannot be the *auctioneer's notice*. The auctioneer who sells under such circumstances, without giving notice himself, forfeits $500 for each offence; and others aiding and assisting in such sales, could not, it is conceived, shield themselves under the commission of the auctioneer, but might be prosecuted as offenders against the 7th section of the auction law, and would be subject to fine and imprisonment; a fine of $500, and an imprisonment of three months.

Doubts have been entertained, whether a notice in the name of the firm of which the auctioneer is one, is such a notice as is required by the 21st section. Although it would be better to advertise such sales in the name of the auctioneer alone, for a variety of reasons; yet as the law seems to allow of partners, I am of opinion, where an auctioneer and his partners designated, and their names filed with the city clerk, constitute a firm in business, a notice of sale by the firm, is the notice of the auctioneer who is a member of the firm.

The punctuality of the auctioneers of the city of New-York, as a body, in making their returns, and paying their duties, is worthy of commendation; but

there are a few, who are very far from meriting this commendation. In case of delay in this respect, and especially if of frequent occurrence, I shall exercise the power vested in me, of vacating the commissions of delinquent auctioneers; to the end, that those who will strictly comply with the law, may have an opportunity of being appointed, instead of those who forfeit their commissions by disregarding the law.

I have the honor to be,
With great respect,
Your obedient servant,
W. L. MARCY.

The comptroller considers it his duty to state to the house, that he has made inquiries of his predecessor, as to the manner in which this information was obtained; and he finds that the facts stated in the foregoing circular, were discovered, partly by the personal examinations and inquiries of the late comptroller himself, and partly by the examinations, observations and inquiries of an agent employed by him to visit the auction rooms and places of public sales in the city of New-York, for the express purpose of ascertaining whether any, and what, violations of the law existed in the practice of the auctioneers in that city. No provision, however, existing by law to defray the expense of these investigations, it is to be presumed they were hurried and imperfect; and the small bill of expense incurred by sending to New-York the agent above mentioned, still remains unpaid.

The above facts will probably satisfy the house, that abuses of the law did exist; and that the consequences of these abuses, must have been a diminution of the revenue of the state, derived from auction sales.

Whether these abuses and violations of the law yet continue, or whether they were checked by the efforts made by the late comptroller, is not known. Hence the comptroller is unable to say, whether or not a superintendent of these sales is necessary, or what effect the appointment of such an office would have upon the revenue of the state, any farther than an opinion upon these points may be inferred from the facts stated in the foregoing circular. The house, therefore, having before it all the facts to be obtained from this office, will desire no aid in drawing its own inferences from them.

If the conclusion should be, that some provision be made by law to superintend or inspect these sales, it has been made a question, and the comptroller respectfully suggests to the house, whether the appointment of a permanent superintendent of auctions, resident in New-York; or the designation, from time to time, by some proper officer or officers of the government, of a temporary agent, to inspect the auctions, and ascertain what abuses and violations of the law may exist, as occasion may call for such interference; would be the course most likely to prove effective, in detecting and preventing any frauds upon the revenue.

All of which is respectfully submitted,
SILAS WRIGHT, Junior.

Albany, February 23, 1829.

Ordered, That the said communication be laid upon the table.

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature.

A communication from the canal board, was read, in the words following, to wit:

The canal board, to whom was referred by the honorable the Assembly, the petition of Charles Baker, praying compensation for injuries alleged to have been sustained by a breach in the Champlain canal, submit the following report:

It is ascertained by information derived from the acting canal commissioner, that during the last season, a breach took place in the canal, a short distance to the south of Dunham's basin, which spread water, sand and gravel over the field of the petitioner, and probably occasioned injury to his crop; but to what

extent, is unknown to the canal board. With respect to the losses complained of by the petitioner, "in the destruction of his crops during the last three years, by occasion of water thrown upon his land, by means of the canal, as your petitioner conceives," the canal board have no information.

The claim of the petitioner not being provided for by any existing law, and several claims of a like description having been presented during the present session, it may be expected of the canal board that they will present to the legislature such suggestions as during their present pressure of business occur to them on the subject

If the Erie and Champlain canals had been constructed by an incorporated company, who had paid the damages for the appropriation of all the "lands, waters and streams" occupied by the canals and their appendages, as the state has done, it may be well to inquire, whether, if the "bank of the canal was carried away by a freshet, and the materials of which the embankment was composed, and the flood were thereby let out upon the fields and crops of the petitioner," he could sustain against such incorporated company a claim for damage, either in law or equity. As between an individual and such company, it is not believed that such a claim could be sustained. No want of attention nor any neglect, is imputed to the superintendent or any other agent of the state having charge of the canal; and whatever injury the petitioner has sustained, originated from a providential accurrence, over which the limited powers of man have no control. Such occurrences are denominated by the common law "acts of God," and are regarded as paternal chastisements, which do no injury to him upon whom they are inflicted. Hence the maxim, "*Actus Dei nemini facit injuriam.*"

It may be said, if the canal had not been constructed, the injury could not have happened to the petitioner. This is true; and the like allegation is equally true in all cases in which an application of the above mentioned maxim furnishes a protection against claims for damages. Without a similar allegation, (as that the injury arose from an artificial, instead of a natural stream,) no pretence for a claim could exist. If the mill-dam of an individual should be swept away by a flood, without any carelessness or neglect on his part, and if the accession to the stream, created by the discharge of his mill-pond, should inundate and destroy the mills and bridges and crops below, still he would not be liable for these damages, although it might be alleged and proved that the injury could not have occurred, had his dam not been built. If a house set on fire by lightning, or blown down by a tornado, produces injury to contiguous buildings, the owner is not responsible for the damages, although the house is the proximate cause of the injury. Such, it is believed, are the fixed principles of law, in relation to all claims of a like description, between litigating individuals.

The question then arises, whether a different rule should be established, in cases where claims are made against the state? The strict principles of law and of justice are immutable, and inculcate the same even handed dispensation to the rich and the poor, the bond and the free. But in the administration of justice in cases where the pecuniary claims of an individual and of the state come in collision, it is extremely difficult, if not impossible, to hold an even balance. The history of legislation will demonstrate that thousands of claims have been sanctioned against the state, which as between man and man, could not have been sustained for a moment; and they are often allowed upon testimony which no court of justice would tolerate. The records of our jurisprudence will evince that the highest tribunals are not exempt from that general bias which gives an inclination in favor of individuals and against the public. In the suits that have arisen in the construction of the canals, between individuals and the public agents, it has been found in almost every case, that juries, on some pretext or other, lean against the state and in favor of the litigating individual. The same principle is observable in the testimony of witnesses in support of individual claims. This principle is deeply implanted in the human heart, nor is it wonderful that it should exist, when it is considered that no philanthropy is so general and so intense as to inspire the individual

who is under its influence, with the same attachment to all the people of the state, as he feels for his immediate neighbors, acquaintances and friends. The constant reflection too, that the claim, whatever it may be, is but little for the public, and is much for the individual, gives a ceaseless impetus to the current.

It is provided by the constitution, that the canals shall always remain the property of the state. And it seems to be worthy of reflection, whether the state should establish a principle which will make it responsible in perpetuity for the damages occasioned by such acts of Providence as the one, stated in the petition. Gardens, orchards, and highly cultivated fields, together with manufacturing establishments, hydraulic machinery, and flourishing villages, will continue for years to be multiplied along the borders of the canals, and often in such situations as to be seriously and extensively injured by breaches of the banks. The intense frosts which sometimes occur in winter, loosen and expand the embankments, and when followed by sudden and heavy spring rains, are, and will always continue to be the inevitable cause of breaches in the canals. The floods and freshets of summer and of autumn, are sometimes so sudden, extensive and unexpected, that no human vigilance can guard against their destructive effects. Breaches sometimes suddenly take place, without any visible cause, and where no possible danger was apprehended, perhaps in some instances by the secret perforation of vermin through the banks.

If the rule were established, that the state was responsible for the damages occasioned by breaches, would it not furnish a temptation to produce them, which unprincipled cupidity would not always resist? In fifteen minutes, in the darkness of night, a man with a spade would make an opening for the water through the towing-path, and in ten minutes more, every trace of his operations would be obliterated by the sweeping current. And as the state generally pays to the full extent, and often beyond, the risk of detection which, from the nature of the case, is small, might be counterbalanced by the above consideration. Crimes of equal turpitude, and with less temptation, are frequently committed.

If it is understood that those who are injured by breaches in the canal are to bear the loss, it will produce a constant and favorable vigilance along the line, which may frequently tend to prevent them, and an alacrity in aiding the superintendents in their reparation.

It has happened in one instance, during the past season, that the superintendent perceiving that the canal was in imminent danger of a breach during a flood, on a part of the line where the consequences were very alarming, made several openings in the bank to discharge the accumulating waters, at such places as would produce the least injury. Such cases may again happen. And it might be reasonable to make some legal provision for paying the damages which such voluntary discharge of the water, by the public agents, should occasion to individuals. The agent of the state, in such a case, would inflict the mischief under the same impulse that he would act, who, during a conflagration, should demolish the house of his neighbor, to arrest the progress of destruction, and to prevent the flames from communicating to his own building.

The above hasty suggestions, are respectfully submitted to the wisdom of the legislature.

S. YOUNG,
A. C. FLAGG,
S. WRIGHT, Jr.
HENRY SEYMOUR,
WM. C. BOUCK,
A. KEYSER.

February 23, 1829.

Ordered, That the said communication be referred to the committee on claims, and that the usual number of copies of the same be printed for the use of the legislature.

A communication from the comptroller, was read, in the words following, to wit:

STATE OF NEW-YORK—COMPTROLLER'S OFFICE,
February 23, 1829.

SIR,

I have the honor herewith to enclose a report, made pursuant to a resolution of the Honorable the Assembly of the 6th instant.

I am, very respectfully,
Your obedient servant,
S. WRIGHT, JUN

Hon. PETER ROBINSON,
Speaker of the Assembly.

COMPTROLLER'S OFFICE,
Albany, February 23, 1829.

The comptroller, in obedience to a resolution of the Honorable the Assembly of the 16th instant, requesting him to report to that house, "a statement of the amount of monies paid towards the Champlain feeder, and the locks upon the same; and copies of all contracts relating to the construction of the said work, that may be in the comptroller's office;" respectfully reports:

That the accounts of the expenditures of the canal commissioners in his office, do not show clearly the amount of monies paid towards the "Champlain" (or Glen's Falls) feeder; but as nearly as can be ascertained from them, the accompanying statement marked A. gives the names of all persons to whom monies have been paid, and the several amounts paid to them.

There are but three contracts on file in this office, relating to the construction of the work, viz. that of J. Lyman Arms and Walter Geer, of R. M. Livingston and Thomas Wright, and of William M'Donald and Sylvester Rice; copies of which are annexed, marked B. C. and D.

Respectfully submitted.
SILAS WRIGHT, JUN.

(A.)

Statement of monies expended in the construction of the Glen's Falls feeder, showing the names of the contractors, and the amounts paid to each of them.

1822,	Arms and Geer,	dam, guard-lock and bridges, ...	$6.000 00
1823,	Do	do	3,309 81
"	Do	lining feeder and repairing dam, ...	7,100 00
1822,	Ferris, Spencer and Gardner,	excavation, ...	16,000 00
1823,	Do	do	5,023 81
1824,	Do	do	1,028 91
1822,	S. & E. Butterfield,	do	1,875 00
1823,	Do	do	780 75
1822,	William Brayton,	do	2,292 33
"	Veil and Cook,	do on sec. 3, ...	1,800 00
1823.	Do	do do	422 47
1822,	Thomas and James Campbell,	do	2,800 00
1823,	Do	do	615 65
1822,	Love and Rogers,	do	3,345 30
"	Cross, Whitman and Vaughn,	do	500 00
"	Cross and Vaughn,	do	920 00
1823,	Do	do	592 54
1822,	Russell Clark,	do and bridges, ...	1,050 00
1823,	Do	do do	240 00
		Carried forward,.....	

		Brought forward,.....	
1822,	Clark and Gibson,	do	250 00
"	Hitchcock and Wheeler,	do	850 00
"	Hitchcock, Wheeler and Elliot,	do	1,839 64
"	Calvin H. Swain,	culvert, ...	180 00
"	John Baird,	excavation, ...	120 00
1823,	Do	do lining and fence, ...	1,041 68
1826 & 7,	R. M Livingston,	contract for completing feeder,..	16,000 00
1828,	M'Donald and Rice,	do do do ..	20,000 00
"	J. and H. Wells,	dam, ...	450 00
"	John Van Nortwicke,	engineer, ...	490 44
		Total,.....	$97,018 53

(B.)

Article of agreement, made the 2d day of March in the year 1822, between J. Lyman Arms and Walter Geer junior. of the one part, and the canal commissioners of the state of New-York. of the other part, by which it is agreed that the said J. Lyman and Walter shall find all the materials. prepare the foundation, and construct and finish in a strong, substantial and workmanlike manner, a tight log dam. ten feet in height. across the Hudson river at Haviland's rifts above Glen's falls. The materials, location, and manner of constructing the said work, to be under the superintendence and direction of the engineer; and the said dam shall in all things be completed, made tight and fit for use by the fifteenth day of August next, or sooner if the state of the water in the river will permit. And the canal commissioners agree to pay the said J. Lyman and Walter, three dollars and ninety-five cents per foot, running measure, across the river, for completing the said dam as aforesaid.

J. LYMAN ARMS, [L. S.]
WALTER GEER, JUN. [L. S.]
(In behalf of the Canal Commissioners,) SAMUEL YOUNG, [L. S.]

Received of Samuel Young, one thousand dollars in advance on the within contract: and we hereby jointly and severally covenant that said contract shall be completed by the time and in the manner therein specified; or in default thereof, that we will, on demand, refund said sum with interest.

Dated 2d March, 1822.

J. LYMAN ARMS, [L. S.]
WALTER GEER, JUN. [L. S.]
AARON HAND, [L. S.]

(C.)

Article of agreement made the second day of August, 1826, between R. M. Livingston and Thomas Wright of the one part, and the canal commissioners of the other part, by which it is covenanted and agreed. that the said R. M. Livingston and Thomas Wright shall finish and complete, in all respects, fit for use and navigation, the Glen's Falls feeder. They shall construct of wood the necessary number of locks; they shall grub, clear, excavate, embank and construct all that part which remains to be done; they shall repair, strengthen, line and finish that part which has been constructed; they shall finish the fences, bridges, dams, culverts, waste weirs, and all the works connected with the said feeder, or which may be considered as appendages to the same.

They shall find all the materials for the above, and finish and complete the said feeder and all its parts and appendages, in a good, substantial and workman-like manner, by the first day of September, 1827. The whole work shall be conducted and finished under the direction and supervision of the engineer, and shall, as to the location of its several parts, and as to the kind of materials

and mode of construction, be entirely under his advice and control: and in case of the completion of the above work in the manner above mentioned, and by the time above specified, the canal commissioners agree to pay to the said R. M. Livingston and Thomas Wright the sum of twenty-four thousand nine hundred dollars therefor.

R. M. LIVINGSTON, [L. S.]
THOMAS WRIGHT, [L. S.]
(In behalf of the Canal Commissioners.) SAMUEL YOUNG. [L. S.]

Sealed and delivered, in the presence of
GEO. W. YOUNG.

We, the undersigned, hereby covenant and agree, to and with the canal commisssioners, that the within named R. M. Livingston and Thomas Wright shall well and truly finish and complete the within contract, by the time and in the manner therein specified; and in default thereof, that we will finish and complete the same; and further, that we will pay to the said commissioners, with interest, any money that may have been paid by them, or either of them, to the said R. M. Livingston and Thomas Wright, towards the said sum of twenty-four thousand nine hundred dollars.

Witnesss our hands and seals, the 2d August, 1826.

DANIEL STEVENSON, [L. S.]
SIMON DE RUDDER, [L. S.]
WILLIAM FITZGERALD, [L. S.]
G. WENDELL. [L. S.]

GEO. W. YOUNG.

(D.)

Articles of agreement made and concluded this fifth day of June, in the year 1828, between William McDonald and Sylvester Rice of the first part, and the canal commissioners of the state of New-York of the second part, witnesseth: That the said part of the first part covenant and engage to complete, in all respects, fit for use and navigation, the Glen's Falls feeder, and to construct of wood the necessary locks, to grub, clear, excavate, embank, line, strengthen and construct, and complete the necessary bridges, culverts, waste weirs, and every kind of work which may be necessary to a full completion, in all its parts, of said feeder and locks, its fitness to be tested, if required, by the admission of force water for thirty days.

The whole of the work comprised in this contract, to be completed by the first day of November next. Every part of the work comprised in this contract shall be done according to the plan and directions of the said commissioners, or either of them, or of their engineers or superintendents, and su ject to such alteration, from time to time, as they, or either of them, shall direct. And the said commissioners agree to pay the said part of the first part for completing this contract, twenty-two thousand nine hundred and eighty-four dollars.

This contract, in every stage of its progress, shall be subject to the inspection of the said commissioners, or either of them, or of their engineers or superintendents. And to prevent all disputes and misunderstandings, it is agreed, that the said commissioners, or either of them, shall be authorized to appoint such person as they or he may think proper to be the inspector of said works; and such appointment may be changed and made, from time to time, at the pleasure of the said commissioners, or either of them. And the inspector thus appointed shall be authorized to estimate the quantity of every description of work comprised in this contract, and to decide every question which can or may arise relating to the execution of this contract, on the part of the said part of the first part; and his estimate and decision shall in all cases be final and conclusive upon the said part of the first part. And whenever, in the opinion of the

said inspector, this contract shall be fully completed, on the said part of the first part. he shall certify the same in writing, together with his estimate as aforesaid: whereupon, within sixty days after notice thereof, the said commissioners shall pay to the said part of the first part such sums as shall then be due thereon: provided said sum be not demanded more than one month before the expiration of this contract. And the said part of the first part do further agree, that if, at any time, in the opinion of the said inspector, the said part of the first part shall unreasonably neglect or refuse to prosecute this contract, or shall not conform to such directions as may be given by the said commissioners, or either of them, or of their engineers or superintendents, relating to the manner in which any of the works included in this contract, or any alterations therein as aforesaid, shall be made, in either of such cases the said inspector shall have power to determine that said contract is abandoned; and on such determination, the said commissioners shall immediately be released from all obligations to the said part of the first part, and may let out said contract, or any part thereof, to any other person or persons.

WM. McDONALD, [L. S.]
SYLVESTER RICE, [L. S.]
W. C. BOUCK, In behalf of the Canal Commissioners. [L. S.]

Sealed and delivered, in presence of

P. S. The words "or superintendents" interlined before execution.

Know all men by these presents, that I, John McIntyre, of the county of Washington, am held and firmly bound unto the people of the state of New-York in the sum of seven thousand dollars, money of account of the United States, to be paid to the said people of the state of New-York, their attorney or attornies; for which payment, well and truly to be made. I bind myself, my heirs, executors, and administrators, and each and every of them, firmly by these presents, sealed with my seal, and dated this fifth day of June, in the year one thousand eight hundred and twenty-eight.

The condition of the above obligation is such, that if William McDonald and Sylvester Rice, who have executed the adjoining contract for finishing the Glen's Falls feeder and locks, shall well and faithfully in all respects execute the same, then this obligation to be void, or otherwise remain in full force and virtue.

JOHN McINTYRE, [L. S.]

Sealed and delivered, in the presence of

P. S. The word "my" was interlined and the word "our" was erased before
WM. VAN NORTWICK.

Ordered, That the same be referred to the committee on canals and internal improvements.

Five several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to continue in force an act relative to the court for the trial of impeachments and the correction of errors, passed January 26th, 1825;" the bill entitled "An act for the relief of Jemima Burk;" the bill entitled "An act for the relief of Simon Thomas;" the bill entitled "An act to incorporate the village of Bainbridge in the county of Chenango," and the bill entitled "An act relative to the county courts of the county of Onondaga;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to continue in force an act relative to the court for the trial of impeachments and the correction of errors, passed January 26th, 1825," was referred to a select committee,

consisting of Mr. Dana, Mr. White and Mr. Hubbell; the bill entitled "An act for the relief of Jemima Burk," was referred to a select committee, consisting of Mr. Randall, Mr. Dana and Mr. Cargill; the bill entitled "An act for the relief of Simon Thomas," was referred to a select committee, consisting of Mr. W. M'Donald, Mr. Scott and Mr. Garbutt; the bill entitled "An act to incorporate the village of Bainbridge in the county of Chenango," was referred to a select committee, consisting of the members attending this house from the county of Chenango; and the bill entitled "An act relative to the county courts of the county of Onondaga," was referred to a select committee, consisting of the members attending this house from the county of Onondaga; severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain monies to the commissioners of highways of said town," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act for the relief of the heirs of Christian Guthrie," with the amendments therewith delivered.

The said bill and amendments were read.

Ordered, That the same be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, FEBRUARY 24, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Genesee, praying for the passage of an act to levy a tax on said county, for building a bridge across the Black creek, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Four several petitions of sundry inhabitants of the counties of Clinton, Washington and Essex, praying for the incorporation of a bank, to be located at Whitehall, were read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga, praying relief in relation to a devise of John Burns deceased, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of sundry inhabitants of the counties of Clinton, Essex and Washington, praying for legislative aid in constructing a road from Whitehall in the county of Washington, to the forty-fifth degree of north latitude, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Johnsburgh in the county of Warren, and Minerva in the county of Essex, praying for an appropriation to build a bridge over the west or middle branch of the Hudson river, was read,

and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the petitions and remonstrance of inhabitants of Dutchess and Ulster, reported:

That the petitioners are so situated, as well as many more of our citizens, that much inconvenience is experienced by reason of their not being a bridge across the Rondout creek, near its junction with the Hudson river, in the county of Ulster.

The present method, as stated to the committee, is by a ferry, and that many times requires a loss of time which they wish to avoid, but cannot be overcome except by a toll-bridge; and when the risk is too great to be encountered, they are under the necessity of travelling several miles out of their way.

Those who remonstrate admit the necessity of a bridge, but recommend it be located further up the creek, representing that it will interfere with the navigation, if placed where the applicants desire.

By reference to a map furnished the committee, it will be perceived that the site fixed upon is about half way of the length of a dock built by the Hudson and Delaware canal company.

The agent of the Hudson and Delaware company appeared before the committee, and represented that it would not interfere with their privileges, and the interest of that company in the navigation of that creek, must be paramount to all others.

The greater doubt in the minds of the committee, as to the location that was proper to be recommended, was the difficulty that might arise in consequence of obstruction in the navigation. But from statements made to the committee, by persons supposed to be acquainted with difficulties which might arise, from bridges constructed with draws which can be raised in a very few minutes, they are convinced that it will not obstruct navigation to that degree which would counterbalance the accommodation of the public, in the location desired by applicants.

They have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Rondout Bridge company," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law, declaring a part of the Little Conewango creek in said county, a public highway, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act declaring a part of the Little Conewango creek a public highway;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Sun fire insurance company, praying for an amendment of their charter, asked leave to report by bill.

Ordered. That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to amend the charter of the Sun fire insurance company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. M'Donald, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Simon Thomas,"

reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered. That the said bill be committed to a committee of the whole house.

In pursuance of previous notice, Mr. A. Smith asked for and obtained leave to bring in a bill entitled "An act for the preservation of fish in certain ponds in the county of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Scott have leave of absence for eight days.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act for the relief of the heirs of Christian Guthrie."

The said bill and amendments were read; and the amendments having been again read, were severally concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to authorise the overseers of the poor of the town of Aurora in the county of Erie, to pay over certain monies to the commissioners of highways of said town."

MARTIN VAN BUREN.

Albany, February 24, 1829.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes;" the bill entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes;" and the bill entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes," was referred to a select committee, consisting of Mr. Johnson, Mr. Skinner and Mr. Burt; the bill entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes," was referred to a select committee, consisting of Mr. Johnson, Mr Skinner and Mr. Burt; and the bill entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome," was referred to a select committee, consisting of Mr. Franklin, Mr. Case and Mr. Chandler, severally to consider and report thereon.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to change the names of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York," and the bill entitled "An act for establishing a clerk's office of the supreme court in the village of Canandaigua in the county of Ontario," severally without amendment.

Ordered, That the clerk deliver the said bills to the Governor.

The Senate returned, by their clerk, the bill entitled "An act to incorporate the Albany institute," and the bill entitled "An act for the relief of the heirs of Christian Guthrie."

Ordered, That the clerk deliver the said bills to the Governor.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act in addition to the act entitled 'An act concerning the revised statutes,' passed December 10th, 1828;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dygert, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 25, 1829.

The House met pursuant to adjournment.

The petition of the president, directors and company of the bank of Newburgh, praying for a renewal of their charter, and that they may be authorized to continue their branch now established at Ithaca, was read and referred to the committee on the incorporation and alteration of charters of banking and insurance companies.

The petition of the trustees of school district No. 13, in the village of Newburgh, praying to be incorporated as the trustees of the Newburgh high school, was read and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Cattaraugus, Genesee and Orleans, praying for the construction of a canal from the Erie canal to the Allegany river, by the way of the Tonewanda creek and Lime lake, was read and referred to the committee on canals and internal improvements.

The petition of the Washington volunteer fire company in the city of Troy, praying for the passage of a law authorizing them to increase the number of their members, was read and referred to the committee on the incorporation of cities and villages.

The petition of sundry master mechanics in the city of Troy, praying for further provision relative to masters and apprentices in said city, was read and referred to the select committee on that subject, of which Mr. Burt is chairman.

The petition of sundry inhabitants of the towns of Leicester and Mount Morris, in the county of Livingston, praying for the passage of a law authorizing the construction of a bridge over the Genesee river at Squakie Hill, was read and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Four several petitions of sundry inhabitants in the county of Delaware, relative to the practice of botanic physicians, were read and referred to the committee of the whole when on the bill on that subject.

The memorial of the trustees of the Stamford library association in the county of Delaware, praying for the passage of an act of incorporation, was read and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Clifton, in the county of Saratoga, praying that the name of the said town may be changed to Clifton Park, was read and referred to the committee on the erection and division of towns and counties.

The petition of Jonathan Prentiss, praying remuneration for damages alleged to have been sustained by the overflowing of the Champlain canal, was read and referred to the canal appraisers.

The petition of sundry inhabitants of county of Dutchess, praying that a certain part of the Phillipstown turnpike road may be districted by the commissioners of highways, was read and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Manheim, in the county of Herkimer, praying that commissioners may be appointed to lay out a road therein mentioned, was read and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Bradish, from the committee on public lands, to which was referred the petition of Oliver S. Vanderheyden, praying for relief relative to lot number 13 in the town of Granby in the county of Oswego, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act to authorise the sale of subdivisions number one and number four of military tract number thirteen in the town of Granby in the county of Oswego;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bradish, from the committee on public lands, to which was referred the petition of Mary Smith and sundry inhabitants of the county of Tompkins, praying that Mary Smith may be permitted to purchase subdivision number 3 of lot number 90 in the town of Lansing, at the appraisal, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act to authorise the sale of subdivision number three of lot number ninety in the town of Lansing in the county of Tompkins," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of the trustees of the Reformed Dutch church of the town of Bushwick in the county of Kings, reported, that they have had the petition of said trustees under consideration, and think the prayer of the petitioners reasonable, and ought to be granted, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to enable the trustees of the Dutch reformed church in the town of Bushwick in the county of Kings, to sell a lot of land lying in the village of Williamsburgh;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Oswegatchie, praying for the passage of a law authorising the supervisors of the county of St. Lawrence to levy a tax on said town, for the purpose of building a bridge, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the board of supervisors of the county of St. Lawrence to raise by tax, certain monies, on the inhabitants of the town of Oswegatchie in said county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Tioga, praying for the incorporation of the Smithsboro' and Nichols bridge company, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Smithsboro' and Nichols bridge company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Taber, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Cayuga, praying for the appointment of commissioners to lay out a road from Weedsport to Auburn in said county, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Taber, according to leave, brought in the said bill, entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport, in the county of Cayuga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the petition of Benjamin Cook, praying for remuneration for damages sustained by cutting away the canal and overflowing his land, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act for the appraisement of damages sustained by Benjamin Cook;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the towns of Allen and Almond in the county of Allegany, praying for the erection of a new town from parts thereof, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to erect a new town from part of the towns of Allen and Almond in the county of Allegany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, on the petition of the mayor, &c. of the city of Hudson, on the subject of the laws relative to that city, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act relative to the city of Hudson;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Jemima Burk," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. P. Van Beuren, from the select committee to which was referred the petition of the trustees and others of the German reformed sanctity church, reported:

That the facts set forth in the petition, and which appear to the committee to be substantially true, are these:

That said church is now in debt to the amount of about eight hundred dollars. The petitioners, including all the officers of the church, are unanimous in their desire that authority may be conferred on them to sell a detached portion of those lands, the property of the church, that the avails thereof may be appropriated to the payment of this debt.

The committee are of opinion that the request of the petitioners is reasonable, and ought to be granted, and have directed their chairman to ask leave to present a bill accordingly.

Ordered. That leave be given to bring in such bill.

Mr. P. Van Beuren, according to leave, brought in the said bill. entitled "An act authorising the trustees of the German reformed sanctity church to sell certain real estate;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. P. C. Fuller. from the select committee to which was referred the petition of John Young, E. N. Buell and Ogden M. Willey, praying that the comptroller may be authorised to receive the returns of certain arrears of taxes mentioned in said petition, reported:

The petitioners were appointed by the board of supervisors in Livingston county, a committee to effect a settlement with the late treasurer of said county. In prosecuting their inquiries under this appointment, they found that the said treasurer had omitted to make returns to the comptroller's office, of the unpaid taxes in said county for the years 1824, 1825, 1826 and 1827, amounting in the whole to about $1.250. On reporting the facts to said board of supervisors, upon the 3d of February instant, the board, by a resolution, requested the petitioners to present a petition to this house, praying for relief.

The committee are informed by the comptroller, that he does not perceive any injury resulting from the relief solicited by the petitioners; and the committee have prepared a bill, which they have directed their chairman to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. P. C. Fuller, according to leave, brought in the said bill, entitled "An act for the relief of the late treasurer of Livingston county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Heermans, from the select committee to whom was referred the petition of George Hoag, reported:

That they have had the subject under consideration, and find that the facts are as follows:

The petitioner is a resident of the town of Nassau in the county of Rensselaer: That he owns about sixty-five acres of land in said town, and resides upon the same: That adjoining thereto, he has about two hundred and thirty acres lying in the town of Schodack in the same county: That in the year 1828, he was assessed and taxed for two hundred and ninety-five acres, part in Nassau and part in Schodack, and paid the tax on the same, amounting to twenty-five dollars and thirty-eight cents, to the collector of the town of Nassau: That the same year, he was assessed for two hundred and thirty acres of land lying in the town of Schodack, and paid the tax thereon to the collector of the town of Schodack, amounting to the sum of fourteen dollars and forty-nine cents. By which it will be seen that he has been compelled in the same year to pay tax on the same 230 acres to the town of Nassau, and also to the town of Schodack.

The committee find, on examination of the session laws of 1820, page 192, that an exactly similar case as to this same person and land, had occurred, and that a law was then passed for the relief of the said George Hoag, by which the town of Schodack were required to repay him a sum which they had collected on the tax on this 230 acres, when he had paid the same to the town of Nassau.

The committee are not aware of any remedy which he can have, except through the legislature; and are of opinion that relief should be afforded, pursuant to the prayer of his petition. With this view, and to prevent the recurrence of the same case, they have prepared a bill, and have instructed their chairman to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Heermans, according to leave, brought in the said bill, entitled "An act for the relief of George Hoag;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Norton, from the select committee to which was referred the memorial of the trustees and firemen of the village of Rochester, reported:

That they are satisfied, from what is set forth in said petition, and from personal knowledge, that the security of the people of Rochester against that appalling element, fire, cannot be effected, without extending to firemen greater privileges and immunities than they now enjoy, to induce them to enlist as such; and the committee have prepared a bill, extending to them such privileges and exemptions as in their opinion will be an inducement to enlist as firemen for said village, and have directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Norton, according to leave, brought in the said bill, entitled "An act relative to firemen in the village of Rochester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the petition of Elisha Johnson and others, of the county of Monroe, praying for the passage of a law, authorising the construction of a canal and rail-road from the Erie canal at Rochester, to the head of sloop navigation on the Genesee river, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act to incorporate the Rochester canal and rail-road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Seeley asked for and obtained leave to bring in a bill, entiled "An act for the appointment of inspectors of the Schoharie-kill bridge company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. W. M'Donald asked for and obtained leave to bring in a bill, entitled "An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Mann,

Resolved, That the committee on claims be discharged from the further consideration of the petition of William Brayton and eighteen others, praying for a re-appraisal of damages done to their lands by the construction of the Champlain canal, and that the same be referred to the canal commissioners; and that they be requested to report to this house, their opinion on the right of the petitioners to relief in the premises.

Mr. T. L. Smith gave notice that he would, on some future day, ask leave to bring in a bill, requiring all insolvent notices and advertisements of sheriff's sales in the city and county of New-York, to be printed and published in one of the newspapers of said city.

Mr. Spier gave notice, that on some future day, he would ask leave to introduce a bill, to revive the act passed March 23d, 1821, for the inhabitants of Lake-Pleasant.

Ordered, That Mr. J. M'Donald have leave of absence for seven days, Mr. Stanton for four days, and Mr. J. Hall for five days.

The engrossed bill from the Senate, entitled "An act in addition to the act entitled 'An act concerning the revised statutes,' passed December 10th, 1828," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Van Beuren, from the said committee, reported, that the committee had disagreed to the first enacting clause of the said bill; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fitch, from the said committee, reported progress, and asked for leave to sit again.

Mr. Speaker put the question whether the house would grant such leave, and it was determined in the negative.

Thereupon,

Ordered, That the said bill be referred to the attorney-general and surveyor-general.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs and legal representatives of John Thompson deceased;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Partridge, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the village of Brockport;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bacon, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising John R. Drake to build a dam across the Susquehannah river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had disagreed to the first enacting clause of the said bill; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Goodman, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relating to the appointment of public notaries, commissioners

of deeds, and masters and examiners in chancery, in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Arnold, from the said committee, reported progress.

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that the same be referred to a select committee, consisting of the members attending this house from the city and county of New-York.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions at the mouth of the Genesee river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. P. Van Beuren, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, FEBRUARY 26, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Tompkins and its vicinity, praying for a renewal of the charter of the Bank of Newburgh, and the continuation of its branch at Ithaca, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the counties of Allegany, Genesee and Livingston, praying for the repeal of the act authorising William A. Mills, Jesse Stanley and others, to erect a dam across the Genesee river at Mount Morris, was read, and referred to a select committee, consisting of the members attending this house from the counties of Genesee, Livingston and Allegany.

The remonstrance of sundry inhabitants of the village of Rochester, against the incorporation of said village as a city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the town of Peru in the county of Clinton, praying that the overseers of the poor of said town may be authorised to pay over certain monies to the commissioners of highways, was read, and referred to a select committee, consisting of Mr. Edgerton, Mr. Eldridge and Mr. Gosman.

The petition of sundry master mechanics and others of the village of Keeseville, praying further legislative provision relative to masters and apprentices, was read, and referred to the committee on that subject, of which Mr. Burt is chairman.

The petition of Thomas Perry and James Perry, of the kingdom of Great Britain, praying that they may be authorised to purchase, hold, and convey certain lands in the county of Herkimer, was read, and referred to a select committee, consisting of Mr. Mann, Mr. Dana and Mr. Noble.

The petition of the trustees of the village of Syracuse, praying an alteration of their charter, so far as relates to the boundaries of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the towns of Verona and Rome in the county of Oneida, praying for the passage of a law incorporating a turnpike road company, to make a road from Verona to Rome, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the town of Almond in the county of Allegany, remonstrating against a division of said town, was read, and referred to the committee of the whole, when on the bill on that subject.

The petition of sundry inhabitants of the county of Schenectady, praying for the passage of a law allowing compensation to petit jurors in said county, was read, and referred to a select committee, consisting of Mr. Paige, Mr. Savage and Mr. Skinner.

The remonstrance of the members of the Cortland medical society, remonstrating against the repeal or the alteration of the revised statutes regulating the practice of physic and surgery, was read, and referred to the committee of the whole, when on the bill on that subject.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of Henry Spencer and and others, relative to the Champlain feeder, reported:

The memorialists represent, that in 1826, a law was passed authorizing the canal commissioners to construct locks upon the Champlain canal, at a price not exceeding $25,000; that after much competition, a contract was entered into with a person for $24,900, who, having received $16,000, abandoned his contract; and that the legislature, at the session of 1828, made an additional appropriation of $18,000 to complete said work; and that on the 3d day of May last, the acting canal commissioner on the northern canal caused a notice of the letting of the job for constructing the locks and completing said feeder, to be given for the 30th of said May; that on said 30th May, numerous proposals were given in—among others, one from Sylvester Rice, for $22,300, and one from Meriam & Coleman, for $21,000; and that after various fraudulent artifices to prevent Messrs. Meriam & Coleman from obtaining the contract, the same was given to William McDonald, who had purchased from the said Rice his interest in the first mentioned proposal, whereby the state, they say, was defrauded to the amount of $1,300. They also represent that the contract has not been performed agreeably to the contract; and that the superintendent on that work is making repairs which belonged to the said contractors to do; and they conclude, by asking an investigation, and the contractors required to complete their contract, and the attorney-general directed to prosecute for the said sum of $1,300, and the public agents be restrained from squandering the public money, &c.

In relation to the first contract above referred to, it appears that a contract was entered into by Richard M. Livingston to complete the work for $24,000, and that he has received the sum of $16,000, and abandoned the work. For the sum advanced to him, however, abundant security was taken by the canal commissioners, as will appear by a reference to the comptroller's report hereunto annexed; and as the subject is now under advisement of the attorney-general, having been submitted to him by the canal board, the committee do not deem it necessary at present to adopt any legislative measures on the subject.

In relation to the next charge, that after various fraudulent artifices to prevent Meriam & Coleman obtaining the contract, it was given to Wm. McDonald, who had purchased from the said Sylvester Rice his interest in the above mentioned proposals, whereby the state was defrauded to the amount of $1,300, the committee deemed it necessary to call upon the canal commissioner, Mr. Bouck, and the superintendent, Mr. Van Nortwick, who were supposed to know all about the allegations made by the petitioners.

They both appeared before the committee, and their statements do not essentially differ. They state, that at the time appointed for receiving proposals, the two lowest proposals where security was offered were, one by Meriam and others at $21,000, and one by Rice (who agreed, by Mr. Bouck's consent, to associate McDonald with him) for $22,300. Rice and McDonald were ready with their security, but Meriam and his associates were not ready, their surety residing at Whitehall.

As their proposal was the lowest, Mr. Bouck entered into the following arrangement:—He signed both contracts, left them with Mr. Van Nortwick, the superintendent, with directions if he should receive the Meriam contract by a time agreed upon, (the next Saturday after the proposals were handed in) executed by the contractors, and surety named, the contract was to be deliver-

ed to them; otherwise, the contract with Rice and McDonald, which had been executed, was to be perfected.

The person who went with Meriam's contract to Whitehall, to obtain the security agreed upon, did not return until the time limited had expired, and Rice and McDonald had received their contract, although he arrived soon after. The subject was, however, shortly after examined by Mr. Bouck, before Rice and McDonald commenced their work, and it appeared, that although Meriam had obtained surety, he and his associates had not executed the contract themselves, but that they had endeavored to sell it in the market, for five hundred dollars.

The committee have no hesitation in saying, that the contract with Rice and McDonald was fairly made; that Mr. Bouck took every necessary precaution in perfecting the contracts for the work. It appears that the contractors have faithfully performed their contract, as far as they have progressed; and the same is nearly, if not quite completed.

The charge of the superintendent's expending the money of the state on the contract of Rice and McDonald, is expressly disproved by Mr. Bouck and the superintendent.

This view of the subject, renders it unnecessary to say any thing in relation to the request to have the attorney-general prosecute, as from the view the committee have taken of the subject, the contract was fairly entered into by Rice and McDonald.

There appearing to the committee no necessity for any legislative interference, so far as they have received information, they ask to be discharged from the further consideration of the subject.

Mr. Speaker put the question whether the house would agree to discharge the committee from the further consideration of the said petition, and it was determined in the affirmative.

Mr. Morell, from the committee on the incorporation of cities and villages, on the petition of the trustees of the village of Waterloo, praying for an amendment to the act incorporating said village, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Richmond in the county of Ontario, praying for a division of said town; also sundry remonstrances against such division; reported:

That the said town of Richmond embraces a territory about twelve miles in length, and six miles in breadth, and contained a population of upwards of three thousand inhabitants in the year 1825.

The petitioners represent, and it appears to the committee, that the territory is so extended, as to render the public meetings of the inhabitants for the transaction of the business of the town, troublesome; and that the interest and convenience of both parts of the town will be promoted by the division prayed for.

The committee have therefore prepared a bill according to the prayer of the petitioners, and instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Richmond in the county of Ontario;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Clifton in the county of Saratoga, praying that the name of the town be altered to Clifton-Park, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to alter the name of the town of Clifton in the county of Saratoga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Spier, from the committee on claims, to which was referred the petition of John Gifford, praying compensation for military services during the revolutionary war, reported:

That from the vouchers which have been laid before the committee, it appears that the said John Gifford was at Fort-Ann, under the command of Capt. Adiel Sherwood, in the year 1780; which place was attacked on the 10th day of October in the same year, by a body of British forces commanded by Major Carlton, when the said Gifford was made a prisoner, carried to Canada, and imprisoned about two years and two months. And it further appears, as reported in the Journal of the Assembly in the year 1805, page 29, that owing to a mistake, (said to be in Capt. Sherwood's pay roll,) the said John Gifford received but thirteen months' pay; leaving still due him the pay for the term of thirteen months, for which he now claims compensation.

The committee are of opinion that the claims of the petitioner are just and equitable, and ought to be granted; and have directed their chairman to prepare a bill, and to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Spier, according to leave, brought in the said bill, entitled "An act for the relief of John Gifford;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee appointed under the 47th rule of this house, to whom was referred the bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie," reported:

That they have examined said bill; and that a majority of the committee are of opinion that it is a bill coming within the ninth section of the seventh article of the amended constitution of this state, and requires the assent of two-thirds of the members elected to each branch of the legislature to pass the same.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to continue in force an act relative to the court for the trial of impeachments and the correction of errors, passed January 26th, 1825," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Jenkins, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the county courts of the county of Onondaga," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Dyckman, from the select committee to which was referred the bill entitled "An act relating to the appointment of public notaries, commissioners of deeds, and masters and examiners in chancery, in the city of New-York," reported:

That they have had the said bill under consideration, and can see no reason why the same should not be passed into a law.

The provisions of the revised statutes limit the number of those officers in the city of New-York, far below what the wants of its citizens require; and the committee can see no just reason why, in the city of New-York, the number of commissioners of deeds, public notaries, and masters and examiners in chancery, should be fixed so small, when in every other section of the state, their number is either unlimited, or fixed at what would be nearly ten times that allowed for the city of New-York, in proportion to its number of inhabitants.

The committee, therefore, under these impressions, and with a firm conviction that the inhabitants of the city of New-York would be materially benefited by it, recommend the passage of the bill.

Ordered, That the said bill and report be recommitted to a committee of the whole, and that it be restored to its original number on the general order.

Mr. Graves, from the select committee to whom was referred the petition of Stephen Coal and others, praying for the passage of a law authorising him to build a dam across the Canisteo river, reported:

That it appears to the committee, that the only object which the petitioners have in view, is to erect a dam across said river, in order to furnish certain mills by them erecting, with a sufficient supply of water, which cannot be obtained without such dam: That the extension of mill privileges thereon by enactments, properly securing to the public the navigation of said stream, will, in the opinion of the committee, greatly conduce to the permanent benefit of the country. They are therefore of opinion that the prayer of the petitioners ought to be granted, and have prepared a bill accordingly, which they have instructed their chairman to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Graves, according to leave, brought in the said bill, entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river, in the town of Addison in the county of Steuben;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson gave notice that he would, on some future day, ask leave to introduce a bill, confirming the reports of the trustees of certain school districts in this state, for the year one thousand eight hundred and twenty-eight.

Mr. Eldridge offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That a committee of nine members be appointed, whose duty it shall be to examine all bills from time to time committed to a committee of the whole house, and report all such bills as in their opinion may with safety and propriety be referred to select committees to be reported complete; but that no bill shall be recommended to be referred, except with the unanimous consent of said committee.

Ordered, That the said resolution be laid upon the table.

Mr. Skinner offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That for the remainder of the session, Fridays and Saturdays of each week be appropriated to the consideration of private and local bills.

Ordered, That the said resolution be laid upon the table.

The engrossed bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	18

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hubbell	Mr. Savage
Mr. Arnold	Mr. Dygert	Mr. Hynds	Mr. Seeley
Mr. Bacon	Mr. Eldridge	Mr. Ives	Mr. Sheppard
Mr. Bailey	Mr. Fillmore	Mr. Jenkins	Mr. Skinner
Mr. C. Baker	Mr. Fleming	Mr. Johnson	Mr. Sloughter
Mr. E. Baker	Mr. Fowler	Mr. Jones	Mr. H. D. Smith
Mr. Baragar	Mr. Franklin	Mr. Keith	Mr. L. Smith
Mr. Barnet	Mr. P. C. Fuller	Mr. Lindsley	Mr. Soper
Mr. Bogert	Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. Speaker
Mr. Bostwick	Mr. Garbutt	Mr. H. W. Livingston	Mr. Spier
Mr. Boynton	Mr. Gardiner	Mr. Mallory	Mr. Starr
Mr. Bradish	Mr. Garnsey	Mr. Mandeville	Mr. Teller

Mr. Brinkerhoff	Mr. Goodman	Mr. W. M'Donald	Mr. Titus
Mr. Burt	Mr Graves	Mr. M'Niel	Mr. Tower
Mr. Carrier	Mr. Gross	Mr. Mixer	Mr. J. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Morell	Mr. P. Van Beuren
Mr. Chandler	Mr. Hammond	Mr. Myers	Mr. Vanderbilt
Mr. Curtiss	Mr. Hascall	Mr. Noble	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Dayton	Mr. Heermans	Mr. Partridge	Mr. Wyckoff
Mr. Dean	Mr. Holdridge	Mr. Phoenix	Mr. Young
Mr Defreest	Mr. Hubbard	Mr. Randall	87

Those who voted in the negative are—

Mr. Allison	Mr. Gosman	Mr. M'Crea	Mr. Van Wyck
Mr. Brown	Mr. Graham	Mr. Redfield	Mr. Waring
Mr. Collier	Mr. Hedges	Mr. A. Smith	Mr. Waugh
Mr. Edgerton	Mr. Judd	Mr. Tailor	Mr. Williamson
Mr. Efner	Mr. Mann		18

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act extending the time for the collection of taxes in the city of Albany;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806;" the bill entitled "An act concerning the state library;" and the bill entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act extending the time for the collection of taxes in the city of Albany," was referred to a select committee, consisting of Mr. Starr, Mr. Stanton and Mr. Gardner; the bill entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806," was referred to a select committee, consisting of Mr. Burt, Mr. Redfield and Mr. Taber; the bill entitled "An act concerning the state library," was referred to a select committee, consisting of Mr. Skinner, Mr. Gosman and Mr. Dickson; and the bill entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben," was referred to a select committee, consisting of Mr. Johnson, Mr. Savage and Mr. Bacon; severally to consider and report thereon.

Copies of resolutions of the Senate, delivered by their clerk, were read, in- in the words following, to wit:

Resolved, (if the Assembly concur,) That the printing for the legislature, except when otherwise specially directed, shall, after the present session, be done in the following form and manner, viz:

Bills as has been heretofore used with pica type, rule or table work in royal octavo size, where it can be brought into that size by any type not smaller than brevier; and in such form as to fold conveniently into the volume: All other printing shall be done with small pica type on royal paper, in pages of the octavo form, and each to contain not less than 1,538 ems.

The secretary of state and comptroller, shall contract with the state printer for doing the printing authorised by these resolutions; but the price allowed shall not exceed the present rate per page, after a deduction of the difference between the number of pica ems in the folio size, and the number of small pica ems in the octavo size.

Resolved, (if the Assembly concur,) That after the present session, the journals of the Senate and Assembly, shall be printed in the above form and size, and with the above type; and no document or paper which had previously been printed, shall be reprinted therein; nor shall any message, report, communica-

tion or other document be printed in the journals, but the same shall be referred to in the journals by number, or in some other convenient manner.

Resolved, (if the Assembly concur,) That twenty-three copies of the documents and reports, in addition to the usual number, shall be printed; twelve of which shall be delivered to the clerks of the Senate and Assembly, for the use of their respective houses; and the remainder shall be distributed with the journals of the two houses, agreeable to law.

Ordered, That the said resolutions be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Goodman, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. P. Van Beuren, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, filled up the blanks, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain moneied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act prescribing the time and manner of appointing electors of president and vice-president of the United States;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

FRIDAY, FEBRUARY 27, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the city of Troy, praying for the incorporation of the Troy and Bennington turnpike company, was read, and committed to a committee of the whole, when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Pittstown, against the incorporation of the Troy and Bennington turnpike company, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the county of Oswego, praying for the incorporation of a bank, to be located at the village of Oswego, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Thomas Linley and David Linley, of the town of Oswego in the county of Oswego, praying for the passage of a law to enable them to

purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of the mayor, aldermen and commonalty of the city of New-York, praying for certain alterations in the law relative to the duties of the clerk of the police office in said city, was read, and referred to a select committee, consisting of Mr. C. L. Livingston, Mr. T. L. Smith and Mr. J. Van Beuren.

The petition of sundry inhabitants of the county of Tioga, praying that the time allowed for the construction of the Chemung toll-bridge, may be extended to four years from the first day of May next, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Henry Wendover and others, inhabitants of the town of Chatham in the county of Columbia, praying for the passage of a law to enlarge a certain burying ground, was read, and referred to the committee on grievances.

The petition of Thomas Siveter, an alien, praying that he may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Junius in the county of Seneca, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

Mr. Starr, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petion of sundry inhabitants of the city of Albany, praying for the incorporation of a company by the name and style of the Clinton insurance company, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Starr, according to leave, brought in the said bill, entitled "An act to incorporate the Clinton insurance company in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of Timothy Tallman, praying legislative relief in relation to the sale by the state of certain lots in the late Oneida reservation, and the report of the attorney-general on the said petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Timothy Tallman;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of the Orphan asylum society in the city of New-York, reported:

That it appears from the petition, that said society was incorporated by an act of the legislature, passed April 7th, 1807, which expired on the first of March last. The committee are of opinion that incorporations of this kind are beneficial to the community, and that the prayer of the petitioners is reasonable: They have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of the president and trustees of the village of Oswego, praying for a certain amendment in the act incorporating said village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of Michael Macnamara, John David Walsh and others, praying for an act of incorporation, reported:

That they have had the said petition under consideration; think the prayer of the petitioners reasonable, and ought to be granted, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the Hibernian benevolent society of Rochester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the towns of Portland and Ripley in the county of Chautauque, praying for the erection of a new town from parts of the same, and also a remonstrance against the said application, reported:

That they have had the petitions and the remonstrance under consideration; and it appears to the committee, that there is territory enough comprised within the two towns, to make three convenient towns. It also appears, that almost all the inhabitants residing in the territory intended to be embraced in the contemplated new town, have signed the petition.

The principal objection made by the remonstrants, is that a large stream runs through the town, on which there are expensive bridges to be kept in repair; and that their burthens will be increased by a division. But the committee are of opinion that their objections are not well founded, as the bridges complained of will fall into the contemplated new town, and rather diminish than increase their expenses.

The committee think the prayer of the petition reasonable, and that it ought to be granted; and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to erect a new town from parts of the towns of Portland and Ripley in the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the towns of Pomfret and Villenova in the county of Chautauque, praying for the erection of a new town from parts of said towns, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to erect the town of Arkwright in the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the select committee to which were referred sundry memorials from citizens of the counties of Oswego, Oneida, Onondaga and Madison, praying for the passage of a law providing for the lowering of the Oneida lake, and improving the navigation of the Oneida river; together with the report of the canal commissioners, to whom a reference of the subject had been made by this house; reported:

That the committee have entered upon an examination of the subject referred to them, with that consideration which its importance requires. That the Oneida lake, bordering upon the counties in which the petitioners reside, is a beautiful sheet of water, extending east and west a distance of twenty-two miles, and it affords a sufficient depth of water at all times for inland boats of any size: that the lake is supplied with water by many streams of considerable magnitude; and amongst the number is Wood creek, emptying into the lake at its

eastern extremity, and which originally constituted a part of the western inland lock navigation.

The outlet of this lake forms the Oneida river. This river forms a junction with the Seneca river, at a place called Three River Point, after meandering though the country a distance of eighteen miles, and the improvement of the navigation of this river, and the consequent reduction of the waters of the lake, is what is sought by the petitioners.

The committee find, by a reference to the first volume of the canal laws, page 14, in a report made by Mr. Geddes to the surveyor-general, in pursuance to concurrent resolutions of the two houses of the legislature, that "the rapid at the west end of the Oneida lake, falls not quite 18 inches, and there is something over a foot more of fall to the Caughanoy reef, making only thirty inches that Oneida lake can be lowered very easily, The whole of the descent in the river, as given by Mr. Geddes, is in the following words:

To the lake reef,	$\frac{1}{4}$	mile,	$1\frac{1}{2}$	foot fall.
head of Caughanoy reef,	$3\frac{1}{2}$	"	1	"
Caughanoy reef.	$\frac{1}{2}$	"	$3\frac{1}{2}$	"
head of Oak Orchard reef,	5	"	$\frac{2}{3}$	"
Oak Orchard reef,	$\frac{3}{4}$	"	$2\frac{1}{4}$	"
the bottom of Oak Point reef,	2	"	1	"
Three River Point,	6	"	$1\frac{2}{3}$	"
Add for the rise of water while levelling down,			$\frac{11}{12}$	"
	18		$12\frac{1}{2}$	ft. fall.

The canal commissioners, in their report, say, that after cutting down the reefs near the lake, the erection of one or two dams, and the same number of locks, would, they apprehend, accomplish the object of the petitioners.

The committee, from all the information they have derived connected with this work, cannot entertain a doubt about its practicability, or that it is incumbent upon the state to engage in the undertaking. Considerable quantities of land owned by the state, and lying at the eastern end of Oneida lake, are now wholly out of the market, in consequence of being partially inundated, and so wholly saturated by the waters of the lake, as to render them unfit for cultivation. This, as a general remark, may be said to be the characteristic of the country bordering upon the lake; and although the counties in which these lands lie, have been settled for many years, the territory thus situated is not more than half settled.

Some of these lands owned by the state, have been sold to individuals who were induced to adventure into that wet and sickly region, under the anticipation that the western inland navigation company's communication would be the grand navigable thoroughfare leading from the eastern to the western parts of the state: In this anticipation they were strengthened by various proceedings of the legislature in relation to that work.

So early as the year 1810, commissioners were appointed for the purpose of exploring the whole route of the inland navigation from Hudson's river to Lake Ontario and Lake Erie, with the view to improve and complete them on a scale commensurate to the great advantages to be derived from the accomplishment of that important object: And they were also directed to examine into the practicability and the effects of removing the bar and deepening the channel at the outlet of the Oneida lake. Induced by such considerations, hardy and adventurous settlers advanced upon these unwholesome lands, fondly looking forward to the time when the lowering of the waters of the lake would convert their almost unimproveable territory into a fertile district: In this their hopes and justly excited expectations, they were disappointed. The construction of the Erie canal at once removed from them the prospect of a location upon the main channel of intercourse between the Hudson river and the lakes, and also destroyed the probable event, that by a dense population they would be enabled to reclaim that territory, and render it valuable.

In addition to the important measure of reclaiming a considerable territory of valuable land, the committee view it as a matter of paramount importance, that measures should be taken to arrest the progress of disease which is constantly and daily working its ravages amongst the inhabitants residing upon the shores of the lake and the streams emptying into it. Many of our citizens have invested their all in these lands, and cherishing the hope from year to year, that measures would be taken to reduce the waters of the lake, they have held on to their purchases to be again and again disappointed, until forced to abandon them by the sure and fatal progress of disease. The committee are satisfied from the representation made to them, that death is almost an every day companion of the inhabitants of this section of country, and is in a great measure to be attributed to the pestilential vapours engendered in the marshes and low grounds in the vicinity of the lake, which can only be removed by lowering the lake, as proposed by the petitioners. The salutary influence which the lowering of the Onondaga lake has produced upon the health of the inhabitants on its borders, would undoubtedly be felt by those in similar situations. Impressed with these views, the efforts of the petitioners are chiefly directed to this point; and the improvement of the navigation, although much desired, is still a secondary object: and the committee are constrained to say, that not only has the state neglected to take measures calculated to alleviate their sufferings, but by granting authority to contruct a dam at Caughanoy reef, they have aided essentially in promoting them; a dam located at that reef producing the inevitable effect of backing water into the lake, and increasing the evil of which before that they had grievous cause to complain.

The committee are satisfied, from the opinion expressed by the canal commissioners, and from their own knowledge of the subject, that the effects of rendering the Oneida river navigable, will be beneficial rather than injurious to the canal revenue: And when it is taken into consideration that the granting the prayer of the petitioners will produce the happy result of alleviating the distresses of a portion of our citizens—will bring into market an extensive and fertile territory, which is now uninhabitable—and will open a communication by which the immense quantities of wood, which are now in a state of constant destruction on the shores of the Oneida lake, can be conveyed to the salt works at Salina, and diminish the expense attending the manufacture of salt; certainly a desirable object to the state, inasmuch as she receives into her treasury one shilling on every bushel manufactured at these works. By making this improvement, you, on the one hand, present to an industrious and enterprising portion of your citizens, prospects of health, happiness and prosperity; and on the other, you make an investment which will give you ample and rich returns for the money advanced. They are of the opinion that the application should be granted.

They have accordingly prepared a bill, and instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act authorising the canal commissioners to lower the Oneida lake, and improve the navigation of the Oneida river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Burt, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben," reported, that they have ex-

amined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Skinner, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the state library," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Starr, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act extending the time for the collection of taxes in the city of Albany," reported, that they have examined the said bill, prepared amendments thereto, with which they see no reason why the same should not be passed into a law.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

In pursuance of previous notice, Mr. Johnson asked for and obtained leave to bring in a bill entitled "An act confirming the reports of the trustees of certain school districts in this state;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. T. L. Smith asked for and obtained leave to bring in a bill entitled "An act concerning the printing of legal notices in the city and county of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the town of Manheim in the county of Herkimer, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to appoint commissioners to lay out a road in the town of Manheim in the county of Herkimer;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to change the names of William Jauncey Thorn and James Jauncey Thorn, of the city of New-York."

"An act for the relief of the heirs of Christian Guthrie."

"An act to incorporate the Albany institute."

"An act for establishing a clerk's office of the supreme court in the village of Canandaigua in the county of Ontario."

MARTIN VAN BUREN.

Albany, *February* 27, 1829.

Mr. Edgerton made a motion that the house should agree to proceed to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal."

Thereupon,

Mr. Eldridge made a motion that the house should agree to lay the same upon the table.

Debates were had upon the said motion of Mr. Eldridge; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 68}
{NAYS 42}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Heermans	Mr. Savage
Mr. Allison	Mr. Dyckman	Mr. Holdridge	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Hornbeek	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Hubbell	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Johnson	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. Soper
Mr. Barnet	Mr. Franklin	Mr. C. L. Livingston	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Gardiner	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Garnsey	Mr. Noble	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Norton	Mr. P. Van Beuren
Mr. Cargill	Mr. Graves	Mr. Paige	Mr. Waring
Mr. Case	Mr. Gross	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Hascall	Mr. Phoenix	Mr. Willey
Mr Defreest	Mr. Hazeltine	Mr. Randall	Mr. Young 68

Those who voted in the negative are—

Mr. Arnold	Mr. Edgerton	Mr. Judd	Mr. Sloughter
Mr. E. Baker	Mr. Efner	Mr. Keith	Mr. A. Smith
Mr. Baragar	Mr. Fowler	Mr. H. W. Livingston	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. Mandeville	Mr. Teller
Mr. Carrier	Mr. Graham	Mr. Mann	Mr. J. Van Beuren
Mr. Collier	Mr. W. Hall	Mr. M'Crea	Mr. Vanderbilt
Mr. Curtiss	Mr. Hammond	Mr. Morell	Mr. Van Wyck
Mr. Dana	Mr. Hedges	Mr. Myers	Mr. Waugh
Mr. Dayton	Mr. Hynds	Mr. Redfield	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Dygert	Mr. Jenkins		42

Ordered, That Mr. Hubbard have leave of absence for ten days, Mr. Teller for four days, Mr. E. Baker for four days, Mr. T. L. Smith for ten days, and Mr. Bacon for eight days.

Ordered, That the committee on the petitions of aliens be discharged from the further consideration of the petition of Samuel Jackson, praying for the passage of a law to confirm his right in a lot of land in the village of Brooklyn, mortgaged to him by Hugh Morrison, an alien; and that the said petition be referred to the committee on the judiciary.

Mr. Hubbell gave notice, that he would hereafter ask leave to bring in a bill, providing for the confinement of the prisoners in custody of the sheriff of Ontario county, in the jail of some contiguous county, the jail of Ontario county having been destroyed by fire.

In pursuance of previous notice, Mr. Hubbell, by the unanimous consent of the house, asked for and obtained leave to bring in a bill, entitled "An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Gross,

Resolved, That the committee on the militia be instructed to inquire into the expediency of increasing the compensation of the inspector of the 40th brigade of infantry of the state of New-York.

The house then proceeded to the consideration of the resolution of Mr. Skinner; the same was again read, in the words following, to wit:

Resolved, That for the remainder of the session, Fridays and Saturdays of each week be appropriated to the consideration of private and local bills.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river;" and the engrossed bill entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service;" and find the same correctly engrossed.

The said engrossed bill, entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river;" the bill entitled "An act for the relief of the devisees of Edward Chinn;" the bill entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona in the county of Oneida;" and the bill entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-Orchard point in Hector, Tompkins county, to Big-Stream point in the town of Starkey, Yates county;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river," was referred to a select committee, consisting of Mr. Fitch, Mr. E. Baker and Mr. Baragar; the bill entitled "An act for the relief of the devisees of Edward Chinn," was referred to a select committee, consisting of Mr. Dayton, Mr. Cargill and Mr. Starr; the bill entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona in the county of Oneida," was referred to a select committee, consisting of Mr. White, Mr. Johnson and Mr. Savage; and the bill entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-Orchard point in Hector, Tompkins county, to Big-Stream point in the town of Starkey, Yates county," was referred to a select committee, consisting of Mr. Gosman, Mr. Sheppard and Mr. Dana; severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising Thomas Richards to erect a dam in the Susquehannah river," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein;" and that the same is correctly engrossed.

Thereupon,

By unanimous consent of the house, the said engrossed bill, entitled "An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, entitled "An act extending the time for the collection of taxes in the city of Albany;" and that the same are correctly engrossed.

Thereupon,

By unanimous consent of the house, the said engrossed bill, entitled "An act extending the time for the collection of taxes in the city of Albany," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, FEBRUARY 28, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the city of New-York, praying for the renewal of the charter of the Mechanics' Bank in the city of New-York, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Three several petitions of sundry inhabitants of the county of Cayuga, praying for the incorporation of a company to construct a canal from the Owasco lake to the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry builders, mechanics and others, of the city of Hudson, praying for the passage of an act giving them a lien on buildings erected by them, the better to secure them remuneration for their labor and materials, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Onondaga, praying for the incorporation of a bank, to be located at Salina, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of David Shaw and others, praying for the incorporation of a bank, to be located at the village of Athens in the county of Greene, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of David E. Evans and others, inhabitants of the counties of Genesee and Allegany, praying for the passage of an act authorising the survey of a road from Batavia in the county of Genesee, to Angelica in the county of Allegany, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of E. N. Buell and others, praying for the passage of a law to confirm the appointment of the superintendents of the poor-house in the county of Livingston, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill, entitled "An act to confirm the appointment of superintendents of the poor-house in the county of Livingston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the resolution adopted by the house yesterday, instructing that committee to inquire into the expediency of increasing the compensation allowed by law to the inspector of the 40th brigade of infantry of this state, reported:

That the committee have had under consideration the subject referred to in the resolution, and they are of opinion that it is not expedient at this time to alter or amend the law in relation to that subject.

Ordered, That the said report be laid upon the table.

Mr. Soper, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the town of Queensbury in the county of Warren, praying for the passage of a law to authorise the overseers of the poor of said town to pay certain monies to the treasurer of said county, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Soper, according to leave, brought in the said bill, entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Fishkill

in the county of Dutchess, praying for the incorporation of a fire company in said village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the select committee to which was referred the petition of the inhabitants of the county of Schenectady, praying for the passage of a law allowing them compensation for their services as petit jurors in said county, reported:

That the petitioners represent, that they are compelled to attend five courts every year in said county: That the civil causes at each court seldom exceed ten in number: That the number of persons in said county required to perform jury duty, is small: That the fees they receive for their services as jurors, is very inadequate to pay their expenses—seldom amounting to a sum above fifty cents for each term of said courts.

The committee are satisfied that the facts set forth in said petition are true, and think that the prayer of the petitioners ought to be granted. They have accordingly prepared a bill, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fitch, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. White, from the select committee to whom was referred the engrossed bill from the Senate, entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona in the county of Oneida," reported, that they have examined the said bill, and prepared an amendment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Randall, from the select committee to which were referred the petitions of the New-York and Central asylums, for the instruction of deaf and dumb in this state, reported:

That they have endeavored to give the subject that attention which its importance demands. On the propriety of educating this unfortunate class of our fellow-beings, the committee believe there is no diversity of opinion in the public mind, either in or out of the legislative body. On that subject, therefore, they deem it unnecessary to bestow either time or labor.

The subject of educating the deaf mutes, is not of a local kind: It is as general, as the territory is wide, over which they are scattered; nor can their wants be supplied by circumscribed means. Wherever one of them exists, he carries with him, in his listless and melancholy degradation, a most affecting appeal to the sympathies and humanity of all who behold him. The gloom which shrouds their intellect, calls loudly for the kind offices of the christian and the philanthropist, and for public benefaction to rescue them from the darkness of perpetual ignorance.

From the several acts of the legislature of this state, making direct and indirect appropriations to the two institutions, and from the reports of the respective institutions for the years 1827 and 1828, (which are very full,) the following facts appear:

In 1817, the legislature incorporated the New-York institution. In 1819, they gave to this institution $10,000; and in 1821, $2,500. In 1822, they made provision for the instruction at the New-York asylum, of 32 indigent pupils, 4

from each senatorial district, at $150 each per annum, to be paid by the treasurer of the state on the warrant of the comptroller, for four years; which provision has been extended by a subsequent act.

The aggregate amount of monies received by the directors for the benefit of this institution, since 1819 inclusive, is,

From the venders of lottery tickets,.....	$25,379 41
And from the treasury by way of direct and indirect appropriations, ...	49,256 50
Making an aggregate of.....	$74,635 91

The sum of $10,000, part of the above amount, was granted by an act passed March 23d, 1827, for building an asylum in the city of New-York; on condition, however, that the directors should raise an equal sum for the same purpose. This condition has been complied with; the monies have been expended as was contemplated by the act, and the committee believe in a judicious manner.

For more full, and very satisfactory information on this subject, the committee beg leave to refer this honorable body to the ninth annual report of the directors of this benevolent institution.

Over and above the patronage above mentioned, the directors have received annually from the hands of benevolent individuals and private associations, by way of benefits, donations and subscriptions, very liberal aid.

From these sources they received in 1827, ...	$3,596 08
And in 1828,.....	3,975 25
Making an aggregate of	$7,571 33

in two years.

This circumstance, the committee are pleased to state, while it increases the ability of the directors to carry into effect their benevolent designs, also increases the force of their claims on the munificence of the legislature.

There were in this institution, on the 31st December, 1828, of

State pupils, ...	32
Pupils supported by a female association, ...	4
Pay and part pay pupils,.....	13
Supported by private charities,.....	15
Supported for services, ...	1
Total.....	65

The talent and enterprise of the directors of this institution, aided by that spirit of liberality which so eminently distinguishes the inhabitants of that city, if seconded by a corresponding liberality on the part of the legislature, leave no doubt of the growing usefulness and future celebrity of the school. For the character of the teachers, the mode of instruction, and the present condition of the school, the committee beg leave to refer your honorable body to the annual reports of 1827 and 1828.

It is here also proper to remark, that the appropriation of $10,000 by the legislature of 1827, to aid in the erection of buildings at New-York, was evidently done with an intention to continue and increase their provision for the reception of indigent pupils in that institution.

In 1823, the legislature of this state passed an act for incorporating the Central asylum in Canajoharie, and appropriated $1,000; of which sum, $300 was to be applied towards erecting an asylum, and the remaining $700 to be applied to the support of indigent deaf and dumb pupils. This sum the committee are satisfied was faithfully and economically applied, according to the intent of the act. A small but commodious building of brick, near the centre of a lot of about three acres of ground, to which the directors had previ-

ously acquired title, was erected; appurtenant to which, a convenient wood-house has been erected. The building is estimated to be worth $1,400, erected on an eligible site, in a pleasant and healthy country, one-third of a mile from, and in fair view of a stage road leading from Cherry-Valley to the Erie canal, on which a mail stage passes and repasses regularly twice in every week. It is also situated four miles from the Great Western turnpike, and seven miles from Canajoharie village, on the Erie canal.

The directors of the Central asylum, owing to the expense of building, hire of teachers, and other contingent expenses, found themselves involved in debt $800 on account of the institution. In 1825, they made a report to the legislature of the condition of the school, and their indebtedness on its account; in which session an act was passed, giving the institution $800 for the disbursing of their debt, and at the same time made provision for the support of two indigent pupils from each senatorial district, to be educated at this asylum, at the rate of $80 per annum for each, for five years.

Of the debt of $800 above mentioned, $500 was created on account of the building of the asylum. It appears, therefore, that the state has given $300 towards the building in the years 1823 and 1825; and that the remaining $600 for the same purpose, was raised by private subscription and donations. A part of the lot of land owned by the corporation, was given by an individual, and the remainder purchased by the directors.

It appears from the annual reports of the directors for 1826, 1827 and 1828, that more than the average number of 30 pupils for each of those years, have been instructed at this asylum. The aggregate amount of money received from the state by direct and indirect appropriations, from its first commencement, is only $6,880.

It appears from the last report, there are in this institution:

Of state pupils, ...	16
Of pay do	13
Total, ...	29

It also appears from the several reports of the three preceding years, as well as from the report of the honorable secretary of state, who visited this school in the fall of 1827, that the funds which have been placed in the hands of the directors, have been economically and beneficially applied; and that the pupils have made satisfactory progress in learning, under the care and instruction of faithful and competent teachers. The principal is a graduate of Union college; and has the reputation of being a good classical scholar. Mr. Backus, one of the assistants, is a deaf mute, educated at the Hartford asylum, and has been a teacher three years or more. He is a young gentleman of acknowledged talents, and a good teacher of the sign language. Mr. C. Bowman, the other assistant, has had six years' experience as a teacher, and is a faithful, industrious, and intelligent man.

The pupils at the Central asylum have hitherto been supported for $80 per annum; but the committee are of opinion that this scanty sum requires a degree of rigid economy on the part of the directors, bordering on parsimony.

Considering the scanty means afforded this institution, it would seem no school of the kind could have done more, or spread more widely the benefits of this mode of instruction.

Applications are frequently made, and constantly pending, for the admission of indigent deaf mutes, which are refused, in consequence of want of means to support them.

The mode of instruction is the same as that of the Hartford asylum.

The directors of this institution now address the legislature, praying for pecuniary aid, to enable them to enlarge the building for instruction, and to erect buildings to accommodate the pupils with board and lodging, and the residence of the superintendent, and also to make provision for the support of an additional number of indigent pupils from each senatorial district in this state.

The petition of the directors of the New-York institution, is for the passage of a law for the support of an increased number of indigent mutes, to be sent to this institution, and to be selected and supported in like manner as those at present received, with an extension of the act previously passed for that purpose.

The committee are of opinion that both these are meritorious applications.

The only questions on this subject, in the opinion of the committee, about which there can exist any serious diversity of sentiment, are, first, whether there ought to be more than one institution of the kind in the state? And if so, whether a second one should have been located in Canajoharie? In considering which, the following questions naturally arise for consideration:

1. What is the number of deaf and dumb persons in this state, within the ages fit for instruction?
2. What is their condition, and where are they?
3. What are the objects of educating them?
4. What are the comparative advantages of a city and country location?
5. Would the greatest good be effected by confining the patronage of the state to one institution?

There were in this state, according to the census of 1825, 645 deaf mutes; of this number, it is estimated 322 are within the ages proper for instruction. This number, it is presumed, has since increased proportionably with the general increase of population of the state. They are nearly equally scattered over every part of the state, and are to be found in every direction. It is calculated that at least five-sixths of them are indigent, and without the means of education, except those means be furnished by public munificence or private benefaction.

The object of educating the deaf mutes, is not to fit them for statesmen or rulers in any of the departments of government, nor for any of the learned professions—this is rendered impossible from the very nature of their misfortune—but it is to fit them for transacting the ordinary business of life; to make them acceptable and useful members of society; to enable them to think and act with propriety, in all things pertaining to their present condition and future destiny; and to remove them from a world of cheerless gloom, to that of social enjoyment. After their education shall have been completed, their lives will most probably be spent in the pursuit of agriculture or the mechanic arts, and generally in the humble walks of life among their friends in the country; their education, therefore, should be directed in reference to these objects.

The committee are of opinion, that a city and country location have each advantages peculiar to themselves, and each disadvantages not common to both. The former is more accessible to the visitation of persons of talent, wealth and leisure, and more favorable for the accumulation of funds by benefits, donations and individual contributions. Distress and misfortune, in order to be relieved, must first be known; and the actual view of wants at hand, produces a more sensible effect upon the feelings of the benevolent, than the story told of objects of charity at a distance.

But although funds may be acquired by these means in the city with more facility than in the country, yet the necessity for those funds is created to a very considerable extent, in consequence of the expense of supporting pupils in the city being greater than in the country. The deaf mute receives the greater portion of his simple ideas through the medium of the eye. In the city will be seen a greater variety of the productions of art; in the country, a greater variety, and a fresher view of the works of nature. Each imparts their appropriate instruction.

Whether those notions of fashionable life which the pupil would acquire in the city or town during the progress of his education, would be fitted to the space he is destined to fill in society afterwards, depends more on the choice of his *place* of residence, than on his choice of *occupation*.

If a pupil is taken from humble life, and educated with a view to agricultural pursuits, or some mechanical employment in the country, that would seem the better place for his education, where he would have the greatest opportunity

to make himself familiar with those occupations he is to follow, and with that kind of society among which he is to spend his life.

If the circle of society to which the pupils are to be limited during their tutelage, shall be supposed to be composed of the superintendent, the teachers and their families, and the visiting committees, then in this respect neither has a great advantage over the other.

The manner of conducting the concerns of an institution of this kind, as well as the mode of instruction, is far different from that adopted in those literary institutions, on the reputation of which depends the character of the country for literature and science.

In the colleges and universities of this country, a professor of philosophy, chemistry, &c. may as well lecture to a hundred pupils as to ten. Hence the expense of education may relatively diminish, as the number of students increase; and hence the danger of rivalship, by establishing colleges in the way of each other. But in schools for the education of mutes, this is not true to the same extent. Twenty is supposed the greatest number that can well be taught by one instructor. Hence an addition of every twenty pupils, gives rise to the necessity of an additional teacher. The committee are not, therefore, aware that any great advantages can be derived from the assemblage of a great number of these unfortunate mutes in the same school.

The provisions already made for the education of indigent deaf mutes, embraces but a comparatively small number of those now uneducated in the state.

The committee are of opinion that a greater number of this class now within the ages fit for instruction, will be educated, and the advantages of this system of education more generally and economically diffused, by continuing the patronage of the state to the Central asylum, (for a few years longer at least,) than by suspending the operations of that at once, and providing for the whole at New-York.

There are a variety of reasons why the state pupils at the Central asylum would never go to New-York, if the provision were ever so ample there. It is also to be observed, that the pay pupils at the Central asylum, if they were obliged to be removed to New-York, must go there in the character of state pupils, in consequence of the increase of expense, and the greater distance from their parental residence. This appears evident, from the fact that there is now a greater number of entire pay pupils at the former, than at the latter place.

If the question were now for the first time to be agitated, where would be the most fit place for the location of an institution of this kind, which should have the exclusive patronage of the state? the committee are by no means prepared to say that Canajoharie would be that place. They are of opinion that it will be a more proper time to discuss that question, when all now within the ages proper for instruction, shall have received the benefits of this system of education; and when there shall be none in the state to be educated, except such as are now too young, and those who shall annually arrive at an age fit for receiving instruction.

Under a view of all the circumstances of the case, the committee are of opinion that the prayer of the petitioners from both institutions, ought, to a certain extent, to be granted; and have instructed their chairman to bring in a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Randall, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb in this state,' passed April 1st, 1825;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Edgerton, from the select committee to which was referred the petition of the inhabitants of the town of Peru, reported:

That the facts, as set forth by the petitioners, are as follows:

That at the last annual town-meeting in said town, a vote was taken to apply five hundred dollars in the hands of the overseers of the poor in said town, to the rebuilding and repairing a bridge across the Au Sable river at Keeseville. The said sum of five hundred dollars is useless in the hands of the said overseers, in consequence of abolishing the distinction between town and county poor.

The committee are of the opinion that the prayer of the petitioners ought to be granted, and ask leave to introduce a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Edgerton, according to leave, brought in the said bill, entitled "An act to authorise the overseers of the poor in the town of Peru, to pay over the monies in their hands to the commissioners of highways of said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chandler, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Mann, from the select committee to which was referred the petition of Thomas Perry and James Perry, aliens, reported:

That the petitioners set forth, that they are the sole devisees and heirs at law of James Perry, late of the county of Stafford in the kingdom of Great Britain: That Miles Sherbrook, late of the city of New-York, being largely indebted unto the said James Perry, conveyed to William Popham, esquire, and John Mowatt junior, certain lots of land in the county of Herkimer, in the whole 3,907 acres, in trust, to be sold, and the proceeds to be paid to the said James Perry: That the same lands were afterwards sold to Simeon Ford, late of Herkimer, and the purchase money secured by a mortgage, which the said Simeon is now unable to pay. These representations are verified. They therefore ask to be permitted to purchase the said lands, on a sale by virtue of the mortgage, in order to prevent a great sacrifice of their interests, and to hold and convey the same to purchasers, not exceeding 4,000 acres.

Such privileges have frequently been granted to foreign creditors; and the committee are not aware of any injury from such grants, provided that a period is limited beyond which they shall not hold under such grants: And they request leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act to enable Thomas Perry and James Perry, aliens, to take, hold, and convey certain real estate;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the canal board, was read, in the words following, to wit:

The canal board, to which has been referred, by the honorable the Assembly, the petition of Darius Eggleston, praying that a law may be passed authorising this board "to settle and adjust the claims of the petitioner upon just and equitable principles," respectfully report:

That these claims of the petitioner are predicated upon the fact, that on the 7th day of September, 1817, he entered into a contract with the canal commissioners "to grub, clear, excavate, embank and construct, in a good, substantial and workman-like manner, all that part of the Erie canal which lies between the western termination of section number twenty-two, and a point in section number twenty-one, situated twenty-seven chains westerly, as the canal line runs, from the eastern termination of the section last mentioned; the length of line included in this contract being about two miles eleven chains and fifty-five links," for certain specific prices, for each part of the work, particularly specified in the contract. The petitioner entered upon and completed this job to the acceptance of the engineer and canal commissioners, and was paid the prices agreed upon.

But his contract was not thus closed, although the contract was (as it is believed all or nearly all the canal contracts have been) broad in its terms, and bound him to make this canal, without attempting to specify the character of the excavation or of any other part of the work. Yet at that time, the canal commissioners possessed the power to make equitable allowances to any contractor, in case they should judge such allowances proper and merited. The petitioner after his work was completed, claimed the exercise of this discretion of the commissioners, and it was extended to his case. Benjamin Wright, Esq., the then acting engineer upon this part of the canal, made an estimate of the value of the work, exceeding in amount the contract prices for the same work, by the sum of $1,651 07. This excess was mostly produced by extra allowances per yard upon excavation, in consequence of its having been more difficult or of a different character from that contemplated by the parties to the contract. Upon the receipt of this extra allowance, and of the full contract price of the work, the contract was finally closed, and the receipt in full of the petitioner, upon the bottom of the engineer's corrected estimate of the work, after its completion, was taken. This receipt in full bears date on the 9th day of November, 1819. A copy of this contract, of the estimate of the engineer, upon which the final payment was made, and of the petitioners receipt, are annexed to this report, from which papers the foregoing facts are ascertained.

Under these circumstances, the petitioner, on the 14th day of the present month, presented to this board his petition, praying the board to make him extra allowances upon the work covered by this contract, in consequence of his disappointment in the character and cost of the work. His petition was read and considered, and the following entry made upon the journals of the board, will show to the House the disposition made by this board of the petitioner's claim.

"At a meeting of the canal board at the comptroller's office, canal room, 14th February, 1829, the petition of Darius Eggleston was presented and read, when the original contract of the said Eggleston, and under which he claims extra allowances, being found on file in the comptroller's office, accompanied by an estimate of Benjamin Wright as engineer, of the amount and value of the work done, and the receipt in full of Eggleston for the amount of that estimate; and it appearing from a comparison of the contract prices of the work with that estimate, that extra allowances to the amount of $1,651 07 were made to Eggleston, the payment of which, as well as the contract prices, is evidenced by his receipt; it was

"*Resolved*, That inasmuch as the canal commissioners, at the date of this receipt, possessed full power, by law, to make extra allowance to contractors upon the canal, and as the canal commissioners did, in settling and closing the contract of the petitioner, exercise this power, and did award and pay extra allowances to him, this board consider the claims of the petitioner for extra allowances under this contract, as adjudicated and finally settled, and that the board have not the power to open the case or to review such decision of the canal commissioners."

Here the board may have accomplished the purpose intended by the House in referring this petition to them. But inasmuch as this is not the only case which has come before this board, under circumstances precisely similar to those which have governed the decision of the board in this case, and inasmuch as the question presented, and which the board have assumed to decide, is one of the most serious importance, in its consequences upon the interests of the state, they believe it to be their duty to make to the House such suggestions as have occurred to them in corroboration of their construction of their legal powers, and in relation to the policy of extending the provisions of the law so as to embrace within their powers cases like the present.

All the laws relating to the canals, previous to the session of the legislature in 1825, were considered to vest in the canal commissioners the power to allow to contractors upon the canals a compensation beyond the prices stipulated by their contracts, in all cases where the commissioners should consider such allowance proper. This power was given to the commissioners without re-

striction. It was therefore to be exercised by them judicially, and was limited only by their judgment and discretion. These officers, from the very manner in which their constant duties were to be performed, possessed peculiar faculties for ascertaining the facts in each particular case. The manner in which they should satisfy themselves of these facts, upon an application for extra allowances, was not pointed out by the law, but was left to their discretion, and from the facts, however ascertained, their judgments, as to the question and amount of allowance, were of course to be formed. But when the application was made, the facts examined, and they had passed upon the case, it must be supposed that the law under which they acted, contemplated that their decision should be final and conclusive, as no appeal to any other tribunal was provided.

The state being one of the parties to these awards, a resort to the legislature would of course always be admissible. But have the legislature, by any former or by any existing law, intended to empower any body, other than their own, to review these decisions, and to re-try the claims settled by them? In 1825, the legislature passed the act for the construction of the Cayuga and Seneca canal, and in the last section of that act, expressly provided that no allowances should be made by any authority, beyond the contract prices of the work. In the same year, the act relative to the Oswego canal was passed, and contained the same provision. In 1826, the law was passed organizing this board, and its language in relation to extra allowances, is as follows:

"No *allowance* shall hereafter be made to any contractor, upon any contract *hereafter* to be made, over and above the contract price for performing any work or labor upon any canal within this state, unless directed by the canal board."

Here is an express restriction of all the power granted to the board to contracts made after the passage of the law. In 1827, the provision of the law of of 1826, above recited, was extended "to all contracts made in the year 1825, under the laws which authorise the construction of a canal between Fort Edward and the Saratoga Falls, and the improvements on the Oswego river," with two important restrictive provisos, to wit: "that the *extra* expenses incurred, should have been occasioned by directions given by a canal commissioner or engineer, *after the making of the contract*, or in consequence of the work proving to be of a different character and description from that *contemplated by the commissioner or engineer at the time of making the contract*, and that no *such* allowance should be made unless as between individual and individual, the same would be recoverable in a court of equity." Here was an extension of the principle of extra allowances in a very restricted form, and to a very small portion of contracts made before the passage of the law of 1826. The legislature have not, therefore, up to this time, shown any disposition to extend, but rather to restrict, this power of granting extra allowances.

In 1828, it is believed no important change was made in the legislation upon this subject; but on the first day of January of that year, the revised statutes, embracing the provisions under which this board now act, became the law upon the subject. These provisions are but a revision of the restricted power contained in the first proviso to the enactment of 1827, without its particular application to the contracts mentioned in that law. To suppose, therefore, that by this revised provision, the legislature intended to extend the powers of this board beyond any powers before granted to the canal commissioners, and to authorise it to review decisions made by those officers while in the possession of far broader powers than any claimed for the canal board, would be to assume a latitude in the construction of the revised statutes, palpably contradictory to the policy of every law of which this is the revision, and equally inconsistent with what is believed to be the established rules of legal construction, and what has ever been the undisturbed authority of judicial decision.

So much for the reasons which have induced this board to say, that they have not the authority to open, review and re-try the case of the petitioner. But the prayer of the petition is, that the legislature will confer upon the board this au-

thority. It is, therefore, not considered intrusive to make one suggestion in reference to the policy of granting this prayer.

The contract of the petitioner, it will be seen by its date, was one of the earliest made upon the canals.

From 1817 to 1825, and during nearly the whole of the construction of the Erie and Champlain canals, the same law, as to extra allowances, prevailed, and one uniform mode of closing and finally settling contracts was pursued by the canal commissioners, and that mode was the one pursued in settling this contract. If then a general law is to be passed authorising this board to entertain cases like this, not a single contract, in the whole of those great works, can be considered as settled. The number of applications cannot be foreseen or anticipated; and the amount of allowances, which proof, collected at this distant day, and by unfortunate contractors, (for there is no one to collect proof on the part of the state,) would compel the canal board to make, might be alarming to the prosperity of that fund, which, as yet, has given confidence to our canalling system.

The board have found, from their experience in the investigation of these claims, that the only safety to the state is in having present and using as a witness the acting engineer, whose business it was to examine the work upon which the allowance is claimed. If the board have been correct in this conclusion, it should not be forgotten by the house, that the engineers employed by the state in the early part of the construction of the canals, have been called to other parts of the country, and are now without the reach of the state, to be used to elicit the truth in relation to the work done under these old contracts, which they have immediately superintended. This would leave the decision, should these contracts be now opened for re-examination, to depend upon the proof to be derived from the hands employed by the claiming contractor, and many of whom are necessarily very imperfect judges of the value of the work upon which themselves were employed. If then, in cases of equal proof, the natural tendency of an award is against the public, and in favor of the individual claimant, it is not a forcible inference to suppose, that when the proof must be nearly ex parte, the interests of the state must and would suffer.

These suggestions are made to the house with the utmost respect, and under the apprehension that it may be proposed to pass a general law, giving to this board, or to some other tribunal, authority to open these old contracts, and to re-examine the justice of the final settlement of them by the canal commissioners.

That the legislature have entire power over this whole matter, the canal board do not pretend to doubt; and that there may be individual cases in which they may wisely exercise this power, in a further allowance to a single contractor, is more than possible. The determination of this point is cheerfully left, as it necessarily must be left, to the wisdom of those who may be called to act upon the special case. And to show that the board have no unfavorable feelings towards the petitioner, which has drawn from them these remarks, in opposition to any general provision embracing this class of cases, they feel bound to give to the house the following information as to the faithfulness and honesty of this claimant.

Mr. Eggleston, after making this contract, entered upon the work, and pursued it with industry and good faith. He appeared to study the most rigid economy in its prosecution; moved his family to the vicinity of the job; boarded his own hands; and in that way employed not only the males, but the females of his household in the business. When he commenced the job, he was reputed to be worth a decent property, and possessed a small farm. When his contract was closed, even after the allowance made to him over and above the contract prices of the work, he was involved in debt, and unable to discharge himself from his embarrassments. His property was sacrificed by public sales, and he was himself committed to the liberties of the gaol of his county for debt. From thence he was discharged, by availing himself of the insolvent laws of the state. After this discharge from the coercion of his creditors was obtained, he renewed his industrious habits, and his exertions seemed still di-

rected to the payment of his debts. At about this time, in the course of the appraisal of damages which had been done to individuals by the construction of the canals, an award was made to this petitioner, to a considerable amount, for the destruction of a mill owned by him before his failure, and from which the water had been taken to feed the canal. The money upon this award was drawn by him, and faithfully applied to the payment of those debts, from the pressure of which he had resorted to the relief of the insolvent laws. This enabled him to complete the payment of his debts, but left himself and family in the extreme of poverty.

These facts are ascertained by the board from the acting canal commissioner upon this part of the canal at the time this work was doing, and from other sources, which, in the opinion of the board, entitle them to credit. Mr. Eggleston is now past the meridian of life, and is poor. That he has had a *hard contract* upon the canal, the board do not doubt; and they most cheerfully submit his case to the wisdom and justice of the legislature. But they cannot consent that any favorable representation of this individual case, shall be taken by the house as an admission on their part, of the policy or the justice, as a general provision, of again opening for adjudication, canal contracts which have been settled for years, and under the operation of a most liberal law.

All which is respectfully submitted,

S. WRIGHT, JUN.
S. YOUNG,
HENRY SEYMOUR,
A. C. FLAGG,
A. KEYSER,
WILLIAM C. BOUCK.

Dated 27th February, 1829.

(COPY.)

Articles of agreement, made and concluded the seventh day of September, in the year eighteen hundred and seventeen, between Darius Eggleston, of the one part, and the canal commissioners of the state of New-York, of the other part; whereby it is covenanted and agreed as follows, to wit:

The said Darius covenants and agrees to grub, clear, excavate, embank and construct, in a good, substantial and workmanlike manner, all that part of the Erie canal which lies between the western termination of section number twenty-two, and a point in section number twenty-one, situated twenty-seven chains westerly, as the canal line runs from the eastern termination of the section last mentioned; the length of line included in this contract being about two miles eleven chains and fifty-five links, reference being herein had to the surveys, levels and maps of Benjamin Wright, esquire, engineer. The grubbing is to be at least sixty feet wide, that is, thirty feet on each side from the middle of the canal; in which space of sixty feet, all the trees, logs, roots, saplings, bushes, and wood of every kind, are to be dug, cleared, eradicated, and wholly removed therefrom: A space of thirty-six feet in width, on each side of the part so grubbed, is to be cleared in such manner that no trees, saplings or bushes are to be left standing thereon; and for the space of fifteen feet in width, on each side of the part so to be grubbed and cleared, the trees, saplings and bushes shall be cut as near the ground as may be, nor shall any of their stumps be left of more than one foot in height; and all the logs, trees, roots, stumps, saplings, bushes, brush, and wood of all descriptions, shall be removed at least forty-five feet from the centre of the canal. The canal and banks are to be constructed in such manner, that the water may in all places be at least forty feet wide at the surface, twenty-eight feet at the bottom, and four feet deep: Each of the banks shall be at least two feet above the top water line; and such a slope shall be preserved on the inner side of the banks, both above and below the top water line, as that every foot perpendicular rise shall give a horizontal base of at least eighteen inches. The surface of the towing path shall

be at least ten feet wide, and shall be not less than two nor more than five feet in any place above the top water line; it shall be on the northerly side of the canal; its surface shall be made of the best materials which the adjoining excavation can furnish; it shall be smooth and even, without any sudden inequalities in its height. The bank opposite the towing path shall in all places be at least five feet wide on its surface, and shall be made with as much evenness and regularity as may be: Nor shall either of the banks, unless where they contain an extra width at the surface, in consequence of a redundance of stuff, have a less slope on the outer than on the inner or water side. No part of the extra stuff, nor any trees, logs, stumps, roots, bushes, or rubbish of any kind, shall be thrown, felled, removed, placed, or left on either of those parts of the canal which are contiguous or adjoining to the part included in this contract. All the loose and porous materials which are of a perishable nature, or permeable to water, shall occupy the outer extremities of the banks; and for the distance of at least ten feet, measured horizontally from the top water line on each side of the canal, the banks shall be wholly made and constructed, both above and below the top water line, of the most pure, solid, compact and watertight earth, which the adjoining excavation can supply; nor shall any vegetable mould, leaves, roots, grass, herbage, logs, sticks, brush, or any other substance of a vegetable, porous or perishable nature, be left, laid, placed, or in any way admitted into the said space of ten feet, horizontally measured from the top water line, or above or below the same.

And whereas an embankment is necessary to be made, within the limits of this contract, over the valley of the Beaver-Dam creek, it is agreed, for the sake of giving sufficient solidity to the said embankment, that two ditches shall be dug by the said Darius across the swamp in said valley: which ditches shall be each five feet wide, and one foot in depth: One of the said ditches shall have its inner edge perpendicularly under the inner edge of the towing path; the other shall have its inner edge perpendicularly under the inner edge of the top water line of the bank opposite the towing path. And the said Darius further agrees, that during the progress of the work, he will from time to time conform to such deviations from the above designated line, and to such alterations in the form, dimensions and slope of the banks, towing path, or any other of the works, as either of the said commissioners, or any engineer by them or either of them appointed for that purpose, shall direct.

It is mutually agreed by the parties to this contract, that all earth carried into the embankment over the valley of Beaver-Dam creek, from within the banks of the canal, and which is moved eight rods or more, and all other earth necessary to construct said embankment, is to be paid for as embankment: In all other places within this contract, the banks are to be made as aforesaid, with earth excavated within the canal, and to be paid for as excavation only.

The commissioners covenant and agree to pay the said Darius for completing this contract, as follows: For grubbing and clearing as aforesaid, where there is standing timber, at the rate of twelve hundred dollars per mile: for grubbing where the timber is felled and cleared off, and stumps, &c. only remain, such sum as Benjamin Wright shall judge reasonable; for grubbing across the swamp in the valley aforesaid, fifty dollars in addition to the above; for digging the two ditches above mentioned, ten dollars; for excavating the canal, and constructing the banks and towing path, for the first fifty chains in length, measured from the west end of section number twenty-two, eastward, at the rate of fifteen cents per cubic yard; for all earth necessarily excavated within the banks or under them, for excavating the canal and forming the banks and towing path through the residue of this contract, except the embankment aforesaid, at the rate of twelve and an half cents per cubic yard for excavation necessary to be made within the banks or under them; for constructing the embankment over the Beaver-Dam creek valley, twenty-five cents per cubic yard measured in the bank, for all earth necessarily moved into said embankment as aforesaid.

And the said works, during their progress, shall be, from time to time, carefully examined and inspected: And to prevent all disputes and misunderstandings, it is agreed that Benjamin Wright, or some other competent engineer to be

selected by the canal commissioners, shall be the inspector of said works, and shall also estimate the number of cubic yards of excavation and embankment; and his estimate shall be final and conclusive between the parties to this contract.

And it is agreed, that if any public road or highway crosses the canal line within the limits of this contract, the passing on such highway shall not, by excavation, nor in any other manner, be obstructed or incommoded before the first day of August next, without leave of said commissioners or their engineer.

And it is further agreed, that whenever this contract, in the opinion of the said Benjamin Wright, or other engineer to be selected as aforesaid, is completely performed in every respect on the part of the said Darius, according to its true intent, spirit and meaning, the said engineer shall certify the same under his hand, on the back of this instrument or a counterpart thereof, together with an estimate of the number of cubic yards of excavation and embankment as aforesaid; and the said commissioner shall, within ten days after notice of said certificate, pay the said Darius the sum which, according to this contract and the said estimate, shall be due to him: Provided, that this contract shall be fully performed and completed on the part of said Darius, by the tenth of December, eighteen hundred and eighteen.

DARIUS EGGLESTON, [L. S.]
(In behalf of the Canal Commissioners,) { SAMUEL YOUNG, [L. S.]
MYRON HOLLEY, [L. S.]

In presence of

N. B. Two interlineations on the second page, made before execution; and also the word "to" interlined before execution.

Received of Myron Holley, treasurer of the canal commissioners, five hundred dollars, in advance on the within contract. And we hereby jointly and severally covenant, that the said Darius shall perform and complete the said contract, within the time and in the manner therein specified; or that we will, at the expiration of said time, repay the said sum to the said treasurer, with interest: And we further covenant, that the said Darius shall commence and prosecute with all convenient speed; and if the said Darius shall not have expended the said sum towards the completion of the said works, at the expiration of two months from this day, the amount of which expenditure shall be settled by the judgment and opinion of either of the engineers in the employment of the said commissioners, that then, and in that case, we will, on demand, repay said sum to said treasurer, with interest.

Dated 7th September, 1817.

DARIUS EGGLESTON, [L. S.]
E. CARRINGTON, [L. S.]

N. B. The word "covenant," obliterated before execution.

(COPY.)

Sections 21 *in part, and* 22, *Erie Canal.*

DARIUS EGGLESTON.

Sec. 21.	18,747.24, excavation, $12\frac{1}{2}$,	$2,343	40
	1,109.10, hard do 20,	221	82
	Grubbing in fields, valued at	200	00
	" 25 chs. timber land, $15,	375	00
	7,250.50 yards embankment, 25 cts.	1,812	64
Sec. 22.	10,360.75 " excavation, 15 "	1,554	11
	7,953.87 " do $12\frac{1}{2}$	994	23
	2,049 " do hard, 20	481	80

Carried forward,.....

Brought forward, ...		
4,020.75 " do " 31		1,246 50
1,472.80 " do rock, 50		736 40
Grubbing 97 chains 40 links, $15, ...		1,461 00
do in swamp per contract, ...		50 00
do extra by altering line, ...		15 00
450 yards excavation for foundation of culvert, including bailing water, very bad, 45 cts.		202 50
Digging and altering bed of creek, 96.33 yards, 25 cts...		21 08
		$11,718 48
Extra grubbing to get earth for embankment, ...		120 00
		$11,838 48

$188.48.

8th Nov. 1819. Rec'd of Myron Holley, treas'r of the canal commissioners, one hundred eighty-eight dollars and forty-eight cents; being, with former receipts, in full of the above estimate.

DARIUS EGGLESTON.

Ordered, That the said communication be referred to the committee on claims.

A communication from the accountant and treasurer of the Albany Savings Bank, was read, in the words following, to wit:

Albany, February 25, 1829.

SIR,

I have the honor to transmit enclosed, the annual statement of the Albany Savings Bank.

I have the honor to be, Sir,
With great respect,
Your obedient servant,

H. BARTOW,
Accountant and Treasurer.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATEMENT OF THE FUNDS OF THE ALBANY SAVINGS BANK.
January 1, 1829.

The whole amount of principal deposited since the incorporation of the bank, is		$130,334 00
The whole amount of principal withdrawn, is		78,092 00
		$52,242 00
Interest accrued to this date, ...	$13,469 38	
do withdrawn by depositors, ...	6,364 18	
		7,105 20
Surplus on hand, ...		434 97
		$59,782 17
Canal stock, viz:		
$12,500, 6 per cent stock, cost	$13,437 50	
$22,750, 5 " " "	22,207 64	
	35,645 14	
Cash deposited in Commercial Bank, ...	23,665 15	
Dividend on canal stock due this day, ...	471 88	
		59,782 17

The present number of depositors in the savings bank, is 433. During the last year, 125 new accounts have been opened, and 65 accounts closed. The majority of the depositors are minors and laborers.

H. BARTOW,
Accountant and Treasurer.

Ordered, That the said communication be laid upon the table.

The house then proceeded to the consideration of the amendments of the Senate to the amendments of this house to the bill entitled "An act concerning the proof and acknowledgment of deeds."

The said bill and amendments were read.

Thereupon,

Resolved, That this house do non-concur with the Senate in their said amendments.

Ordered, That the clerk deliver the said bill and amendments, together with a copy of the preceding resolution, to the Senate.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act extending the time for the collection of taxes in the city of Albany," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein," without amendment.

Ordered, That the clerk deliver the said bill to the Governor.

In pursuance of previous notice, Mr. P. C. Fuller asked for and obtained leave to bring in a bill, entitled "An act to encourage the establishment of high schools;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Ordered, That Mr. Garbutt have leave of absence for four days, Mr. Matthews for seven days, Mr. W. Hall for six days, and Mr. Nicholas for twelve days.

Mr. White gave notice, that on some future day, he would ask leave to bring in a bill, amending the act incorporating the village of Whitesborough.

Mr. Spier gave notice, that on some future day, he would ask leave to introduce a bill to alter the time and manner of appointing commissioners of deeds.

Mr. Jones gave notice that he would, at some future day, ask leave to introduce a bill to repeal a certain section of an act passed April 10th, 1826, in relation to highways in the counties of Kings, Queens and Suffolk, so far as said act relates to the county of Queens.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the New-York African Clarkson association;" and that the said bill be referred to a select committee, consisting of the members attending this house from the city and county of New-York, to consider and report thereon.

Mr. Savage offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That a committee of eight (one from each senate district) be appointed, to inquire into the expediency of removing the seat of government of this state, from the city of Albany, to the town of Utica; and that they have leave to report by bill or otherwise.

Ordered, That the said resolution be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon. Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to confirm the appointment of superintendent of the poor-house in the county of Livingston;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relating to the appointment of public notaries, commissioners of deeds, and masters and examiners in chancery, in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Arnold, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act relating to the appointment of public notaries and commissioners of deeds in the city of New-York," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the resolutions of the legislature of South-Carolina, relative to the powers of the general and state governments; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sanford, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, MARCH 2, 1829.

The House met pursuant to adjournment.

Two several petitions of Benjamin De St. Croix and John Nay Smith, aliens, severally praying that they may be authorised to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Amenia in the county of Dutchess, praying for the incorporation of a company to construct a turnpike road from said town to Kent in the state of Connecticut, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of Fort-Ann in the county of Washington, against the construction of a canal from Lake George to Glen's Falls, was read, and referred to the committee on canals and internal improvements.

The report of the law committee of the corporation of the city of New-York, recommending the adoption of certain amendments proposed by the grand jury of the city and county of New-York, to the bill entitled "An act to protect banks against embezzlements by their agents, clerks or servants, and for other purposes," passed April 13th, 1819, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of the village of Whitehall, praying for the passage of a law to authorise an extension of the limits of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the trustees of the village of Newburgh, praying for the incorporation of a hook and ladder company, for extinguishing fires in said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of Jesse Scofield and others, inhabitants of the village of Walden in the county of Orange, praying for the incorporation of a bank, to be located in that village, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The remonstrance of sundry inhabitants residing at or near the head of the Seneca lake, against reducing the waters of said lake, was read, and referred to the committee on canals and internal improvements.

The petition of the president and directors of the New-York dry dock company, praying for an amendment of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Mr. Case, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the village of Bainbridge in the county of Chenango," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. C. L. Livingston, from the select committee to which was referred so much of the message of the Governor as relates to the salaries allowed to the chancellor, judges of the supreme court, and circuit judges, reported:

In examining with due deliberation the subject assigned to them, the committee have not been indifferent to the desire of acquiring such information as would be favorable to a full understanding of the reasons for the various changes in the salaries of our public functionaries. From the information obtained, it appears that the principle acted upon by previous legislatures in relation to official compensation, has been, to regulate it in proportion to the increase or diminution of services performed, or responsibilities assumed. Of the correctness of this principle, the committee do not entertain a doubt; and adopting it as their guide, they recommend the attention of the legislature to the salaries now paid to the chancellor, judges of the supreme court, and to the circuit judges, as not only greatly disproportionate to their services, but in the language of the message, "insufficient to save them from actual loss." Such injustice committed under the forms and authority of the laws, cannot but create painful emotions; and needs only to be mentioned, to receive from an enlightened legislature an immediate correction. No subject within the range of legislation is more deserving of favor, and no demand upon the treasury more imperative, than the adequate compensation for the services of public officers occupying responsible stations. To call forth men of competent abilities and unsuspected probity, to fill the seats of justice, such salaries should be given as would enable the judges to support themselves and their families, and in some degree provide for that retirement contemplated by our constitution.

To submit to this house any standard of compensation that will not meet with objections, is not expected; yet the committee cannot refrain from the expression of their opinion, that such recompense as would yield a fair equivalent for services, and relieve public officers from all anxiety except the faithful performance of duty, is recommended by every principle of justice and sound discretion.

With this conviction, the committee have agreed to recommend that the chancellor and judges of the supreme court, be allowed each $2,250 per annum, and the circuit judges $1,500 per annum, in lieu of the salaries now allowed to them by law.

In making this recommendation, the committee cherish no other feelings than those of deep solicitude for the character of the state, and of awarding justice to the individuals interested.

The committee have prepared a bill, which they have directed their chairman to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. C. L. Livingston, according to leave, brought in the said bill, entitled "An act for the payment of certain officers of government;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Dayton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Edward Chinn," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the Neptune insurance company, praying for an increase of their capital, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the Neptune insurance company of the city of New-York;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. L. Livingston, from the select committee to which was referred the memorial of the mayor, aldermen and commonalty of the city of New-York, praying for an alteration in the law relative to the duties of the clerk of the police office in said city, reported:

That they have examined the law referred to in the memorial, entitled "An act relative to the district attorney and other officers of criminal justice in the city of New-York," passed April 23d, 1823; from which it appears that the clerk of the police office in said city is required, once in every three months, to render a just and true account, verified by his oath, to the comptroller of said city, of all fees received by him, and to specify in such accounts received in each case.

A compliance with the requisitions of this act, has been found not only difficult, but almost impracticable. Fees are received in the office as well by the justices and others, as by the clerk; and when the latter is necessarily absent, it is impossible for him to specify, if fees should be collected, the amount received in each case, as directed by the statute.

The committee are of opinion that a sufficient security would be afforded for the faithful conduct of the clerk, by requiring him to specify in his account the amount received on each day, and that there could be no practical difficulty in complying with such a requisition.

The committee have prepared a bill, which they have directed their chairman to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. C. L. Livingston, according to leave, brought in the said bill, entitled "An act relative to the clerk of the police office in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Gosman, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-Orchard point in Hector, Tompkins county, to Big-Stream point in the town of Starkey, Yates county," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Jenkins, from the select committee to whom was committed the engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the

county of Onondaga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the said report be laid upon the table.

A communication from a committee in behalf of the New-York Historical society, was read in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The undersigned, a committee in behalf of the New-York historical society, respectfully submit the following report:

That an act was passed in 1827, for the relief of this society, granting $5000 for the extinguishment of their debts. It directed satisfactory evidence to be first adduced to the comptroller of the reduction of such debts to this amount, and payment thereupon to be made, on receiving a bond conditioned for the faithful appropriation of the money, and subsequently on account of such appropriation, to be rendered with satisfactory vouchers.

In compliance with the provisions of this act, the requisite bond was delivered, upon the previous evidence furnished of the reduction of the debts to the amount of the grant; and on the receipt thereof, the society was enabled to liquidate forthwith all claims against them of every description. Their treasurer has made a return of the specific application of this money, in an account rendered to the comptroller, with releases severally executed by their creditors; which documents have been deemed by the latter satisfactory and conclusive, and are now on file in his office.

Relieved by this munificent grant from the embarrassments which at that period threatened their very existence, the society avail themselves of this occasion, to acknowledge their grateful sense of the obligation conferred upon the institution, by the timely succour generously afforded by the legislature. For their present prosperous condition, they are solely indebted to that public spirit which, characteristic of the popular sentiment, has nobly achieved splendid designs of inestimable advantage to the state, and permanently monumental of its fame.

This donation will be appreciated by posterity in its beneficial results, as it has enabled the society to preserve inviolate its entire collection—a collection unrivalled by any other in this country for its richness and variety of materials; and which in times to come, will be beyond price, in furnishing to the future historian of the state, authentic and copious means for the completion of so desirable a work.

To collect and preserve books, manuscripts, paintings, engravings, maps, charts, medals and coins, relating to and in elucidation of the natural, civil, literary and ecclesiastical history of the United States in general, and particularly of this state, are the specific objects for which this society was incorporated. For nineteen years past, the various materials in reference to these distinct subjects, have been diligently sought after, zealously collected, and carefully preserved for present and future use. And they trust, by the occasional publication of compilations from these sources, and original essays, illustrative of the objects of the society, to evince that the patronage of the state has not, on their behalf, been fruitlessly exerted.

The library contains about 7,000 volumes; 3,000 of which relate directly to the history of America; independently of 300 volumes of newspapers of the most interesting and important dates. A large proportion of the residue, though in a less degree connected with the history of this country, are rare and valuable, and such as it was deemed expedient at the time to secure, for the benefit of science and literature.

The manuscripts are of especial interest, and were obtained in several instances from the immediate descendants of the fathers of the revolution, who left behind them these memorials of the toil and share, which they themselves bore

in the laying of the foundation of this republic. In all cases, they are derived from authentic sources, foreign and domestic, and are altogether precious materials, deposited in cases prepared for their convenient reception and exhibition.

The collection of maps and charts, with the portraits of the eminent individuals, whose fame is associated with the history of the state, constitute an intrinsically valuable portion of the property of the society. Besides these, is a cabinet of coins and medals, of gold, silver and copper pieces, principally ancient and much esteemed.

The whole of this extensive collection of books, manuscripts, maps and coins, has lately been systematically and appropriately arranged; no longer like the scattered leaves of the sibyl, occasioning doubt and perplexity as to their merits, or the nature of their contents. In addition to this undertaking, a catalogue in minute detail, in every variety of its departments, has been correctly prepared in alphabetical series, corresponding by numerical references to the different materials to which they respectively relate. Of the aggregate value of the collection, a correct estimate cannot be better formed, than from an inspection of the catalogue itself; copies of which will, on the completion of its publication, be placed in the library of the state.

The society holds stated meetings on the 2d Tuesday severally of each month. The number of resident members is constantly increasing; the aggregate amount of whose annual dues constitutes the income of the society. And notwithstanding the expenditure unavoidably incurred in fitting up their apartments, the binding of their books, and the due preservation of their property, a small surplus remains, which, by its future augmentation, and with proper economy, will, it is hoped, enable the society more widely to extend its researches, enlarge its collection, and annually, or oftener, add to the present number of their published volumes of "Historical Collections."

FREDERIC DE PEYSTER, Jr.
J. DELAFIELD,
HENRY M. FRANCIS.

New-York, February 24, 1829.

Ordered, That the said communication be laid upon the table.

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have the honor to lay before you a communication from the Secretary of War, asking a cession of jurisdiction to the United States, over certain grounds purchased by them, and appertaining to the arsenal at Watervliet.

MARTIN VAN BUREN.

Albany, March 2, 1829.

DEPARTMENT OF WAR, *February* 20, 1829.

SIR—

The advantageous location of the United States' arsenal at Watervliet, on the Hudson, having suggested the expediency of enlarging that establishment, it was found necessary, in the course of last year, to purchase some additional grounds for the erection of buildings for the deposite of ordnance stores, and for workshops, and artificers' quarters; and the purpose of this communication is to submit, through your excellency, to the legislature of the state of New-York, a request that the jurisdiction over the lands thus purchased, may, as has been usual in such cases, be ceded to the United States, so long as they shall be used for public purpose, reserving to the state the right of executing its civil and criminal process thereon.

Major Talcott, of the ordnance, now commanding at the arsenal, will have the honor to deliver this letter, and will lay before your excellency, or a committee of the legislature, as you may direct, the title deeds and a map of the ground, with such other information as may be necessary to a full understanding of the views of the department on the subject of this communication.

I have the honor to be,
Your Excellency's
Most ob't. serv't.
P. B. PORTER.

His Excellency MARTIN VAN BUREN,
Governor of the State of New-York.

ORDNANCE DEPARTMENT,
Washington, February 21, 1829.

Major G. TALCOTT, *Watervliet.*

SIR—I enclose herewith a letter from the Secretary of War, addressed to Governor Van Buren, on the subject of ceding jurisdiction of the ground belonging to the United States at Watervliet.

You wi l please to present this letter in person to the governor, and furnish such information in relation to it, as may be necessary and proper to promote its objects.

Your attention to the subject, after it may have been referred to the legislature or its committees, will probably aid in procuring the adoption of the measures desired. You will accordingly give such attention, whenever it may be necessary and proper.

Respectfully, I am
Your ob't. servant,
G. BOMFORD,
Lt. Col. on Ordnance Service.

Ordered, That the said message, with the documents accompanying the same, be referred to the committee on the militia.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have been requested by a committee of the "New-York Law Institute," to lay the accompanying papers before the legislature. The chancellor's reply fully confirms the impression, which is, I believe, universal with the profession, that the relief prayed for, is indispensable to the due administration of justice. Allow me, therefore, to recommend the subject to your early and favorable consideration.

M. V. BUREN.

Albany, March 2d, 1829.

New-York, February 24th, 1829.

To His Excellency Gov. VAN BUREN:

We beg leave to hand you the correspondence which has just passed between us, a committee of the New-York law institute, and the chancellor of the state, on a subject of great importance, especially to those who may be suitors in the court of chancery, residing in the city of New-York.

If your excellency should look upon it in that light, or deem it entitled to such consideration, we have to request that you would make it the subject of

a communication to the legislature, recommending it to their favorable notice and attention.

We have the honor to be,
With great respect,
Your Excellency's
Most ob't. serv't.
W. T. McCOUN,
GEO. W. STRONG,
R. SEDGWICK,
GEO. F TALMAN,
JAMES I. ROSEVELT, Jr.

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The memorial of the undersigned committee of the New-York law institute, on behalf of the institute, respectfully sheweth:

That the business of the court of chancery having increased within the last few years, in an unprecedented degree, and being likely still more to increase under the newly revised laws, which confer upon that court some additional jurisdiction, it is very manifest, that whatever may be the talents and industry of the chancellor, the powers of no one man are adequate to the discharge of the duties of that office, and therefore, as your memorialists believe this important branch of our judiciary establishment requires to be strengthened, so as to meet the emergency, and to insure to suitors in that court, not only an able and impartial, but a prompt administration of equity and justice.

Your memorialists know of no plan by which this object can be so well attained, as by the appointment of a *vice-chancellor*, to reside in the city of New-York, to act as an assistant to the chancellor, and whose time and attention shall be devoted exclusively to the business of that court within the city.

Your memorialists are however aware, that the legislature have already, in the revised laws, constiuted the several circuit judges, vice-chancellors, but with a local and restricted jurisdiction. This system, your memorialists can readily believe, will answer all the purposes for which it is intended, as regards the country; but they most respectfully urge, as the result of their own reflections upon the subject, as well as the opinions of the best informed among us, that it will not produce the desired effect, as respects the city of New-York. Within the city of New-York, there is sufficient equity business to keep the court of chancery constantly sitting; and your memorialists may safely assert, that neither the chancellor, (being obliged to sit elsewhere, and occupied as he must be with business arising in other parts of the state,) nor a circuit judge, having other duties to perform, can possibly despatch the business of that court in the city of New-York, with the promptitude which is always desirable, and which its importance generally demands. Some relief therefore appears to be necessary, besides what is proposed by the new revised laws.

Your memorialists most respectfully pray, that your honorable body would take the subject into consideration, and that you would provide by law for the appointment of a vice-chancellor, (other than the circuit judge) to reside in the city of New-York, who shall be an additional or assistant judge of the court of chancery, to the end that the chancellor of the state may be relieved, in some measure, from the burden imposed upon him, already overwhelming, and that delays in that court, with which we are now threatened, may be prevented.

W. T. McCOUN,
GEO. W. STRONG,
R. SEDGWICK,
GEO. F. TALMAN,
JAMES I. ROSEVELT, Jr.

(COPY.)

New-York, February 18th, 1829.

The Hon. R. H. Walworth, *Chancellor, &c.*

Sir—We have recently been appointed a committee of the New-York law institute, which is composed of all the principal members of the bar of this city, to take such steps as may be thought necessary, towards procuring the passage of a law for the appointment of a vice-chancellor, to reside here.

We have it in contemplation to present the subject to his excellency the governor, as we deem it a matter of great importance, and to ask him to recommend it to the particular attention of the legislature: but before we do this, we beg leave, with all frankness, to submit to you our views of the necessity which exists for the measure, and to request the favor of your communicating to us your own opinion concerning it. Every one acquainted with the court of chancery, or who has been conversant in it during the last few years, cannot but have observed the overpress of business upon the chancellor, and must have perceived, that whatever industry and exertions may be used, the powers of no one man are adequate to the discharge of the duties of that office; and we apprehend that those duties are likely to increase under the newly revised laws, which confer upon that court some additional jurisdiction. It is therefore manifest, that something should be done to relieve the chancellor from a portion of his labors, otherwise great and ruinous delays must soon be incurred in causes depending in that court.

The best way in which this relief can be given, is to take off the weight of the business arising in this city, by appointing a vice-chancellor, to reside here and to hold the court, whose time and attention shall be wholly and exclusively devoted to it. This, it appears to us, will afford the chancellor sufficient relief, and at the same time be the means of despatching the business.

The legislature, however, have already proposed a remedy in the revised laws, by constituting the circuit judges vice-chancellors. We are confident this plan, as far as regards the city of New-York, will not answer the purpose. Our experience fully shews, that there is sufficient equity business in this city to keep the court constantly engaged, and to require that the person holding the court should not be called off to attend to other duties. And we are likewise convinced that the judge of the first circuit (notwithstanding the successful experiment of the superior court) will continue to have his own courts, including the criminal side, which is often very laborious, as much business as will fully occupy him; and that it is in vain for us to hope that he will be able to hear and dispose of the causes in the court of chancery also; many of which are very heavy, and require the most patient investigation and research. It is therefore very certain, from the unavoidable pressure of other business upon the circuit judge, that if we are obliged to depend upon that officer, as proposed in the revised laws, the chancery business of this city cannot be got through with, and the consequence will be an almost total suspension of the powers of that court, as respects this city, or delays amounting almost to a denial of the benefit and advantages to be derived from our equity system, which we, in common with the rest of the state, are entitled to enjoy. We may add, moreover, that if this plan is adhered to, which requires that suits in equity shall be brought before the circuit judge, where he has jurisdiction, (as will, with few exceptions, be the case here,) and the hearings must take place before him in the first instance, instead of the chancellor, then we shall be in a much worse condition than we are in now, under the present system, and shall not enjoy equal advantages with other suitors who may be so fortunate as to be able to sue before the chancellor himself, or other circuit judges, where the same causes for retarding the proceedings or delaying the decisions, do not exist.

These, sir, are among the reasons which induce us and our constituents to urge that provision should be made for the appointment of an officer, other than the chancellor or circuit judge, to perform the duties of chancellor in this city. They show the necessity which exists for it; and that the plan adopted in the revised laws, will not answer the intended purpose. We are satisfied our opinions are well founded, and should your honor coincide with us, we

shall be much gratified to have your opinion of the necessity or propriety of the measure, that we may lay the subject befor his excellency the governor, and take such other steps as may be deemed advisable to bring the matter under consideration in the legislature.

We have the honor to be,
With great respect,
Your most ob't. serv'ts.
W. T. McCOUN,
GEO. W. STRONG,
R. SEDGWICK,
GEO. F. TALMAN,
JAMES I. ROSEVELT, Jr.

(COPY.)

Albany, February 21st, 1829.

GENTLEMEN—

I have received yours of the 18th instant, on the subject of a vice-chancellor in the first circuit. Taking into consideration the present common law duties of the circuit judge, and the additional duty of hearing appeals from the surrogates in all cases of contested wills, both of real and personal estate, I am satisfied no individual can discharge those duties, and have any leisure to do the business of vice-chancellor of that circuit, under the provisions of the revised statutes. Judging from the business before me, I should suppose nearly half of the business of the court of chancery was from that circuit. If so, there will be sufficient to employ the vice-chancellor constantly, without attending to any other duties; and the chancellor will still have sufficient business before him; and as much as he can get through with, and do justice to the suitors. The business of this court, as well as that of the supreme court, is constantly increasing, and has nearly doubled since the adoption of the new constitution. If the local business of the city of New-York can be disposed of before a vice-chancellor, I think the chancellor can dispose of the business which will then come before him. But without some relief of that kind, the channels of justice must be blocked up. I have been actually sitting in court nearly half the time since my appointment, and for the residue of the time I have been engaged in the duties of my office from twelve to fifteen hours in a day. With the exception of one night, I have not been able to retire to rest before two o'clock, for the last three weeks; and I still find the business of the court accumulating on my hands.

For these reasons, I fully coincide with your views of the necessity and propriety of having a vice-chancellor in New-York, who may devote his whole time to equity business. I think the system reported by the revisers, as amended and passed in the Senate, the best that has been suggested. The only alteration I would propose, is to have the vice-chancellor appointed immediately, so that he may, under a proper clause to be inserted in the law, be employed until the new system goes into operation, in hearing and deciding a part of the business now ready for a hearing before the chancellor. Without some provision of that kind, many causes now pending cannot be decided under one or two years.

I am, gentlemen,
With respect, yours, &c.
R. HYDE WALWORTH.

Messrs. WM. T. M'COUN, and others,
Committee of the New-York Institute.

Ordered, That the said message, together with the documents accompanying the same, be referred to the committee on the judiciary.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A communication from W. Cunningham, cashier of the Dutchess County Bank, was read, in the words following, to wit:

Poughkeepsie, February 26, 1829.

SIR,

I enclose you, to be laid before the legislature, the annual return of the Dutchess County Bank, made in pursuance of the directions of the act incorporating the bank.

I am, with great respect,
Your obedient servant,
W. CUNNINGHAM, *Cashier.*

To the Hon. PETER ROBINSON, *Speaker.*

State of the Funds of the Dutchess County Bank, (of Poughkeepsie,) Feb. 12, 1829.

DUE FROM THE BANK.

Capital stock paid in,	$75,000 00
Bank notes in circulation,	204,878 00
Nett profits on hand,	8,405 19
Balances due other banks,	4,830 02
Individual credits,	71,925 15
Suspense account,	1,119 23
	$366,157 59

RESOURCES OF THE BANK.

Notes discounted and other sureties,		$255,147 46
Specie,	$9,691 75	
Balance due from North River Bank in New-York,	73,933 40	
Bills and checks on New-York banks,	9,113 61	
do other specie paying banks,	4,291 48	
Balances due from specie paying banks,	5,951 57	
		102,981 81
Banking house and lot,		5,000 00
do furniture, &c.		3,028 32
		$366.157 59

Dutchess County, ss.

James Emott, president, and Walter Cunningham, cashier, of the Dutchess County Bank, being sworn, depose and say, that the foregoing is a full and true account of the funds and property of the bank; that the amount of capital stock subscribed is $150,000, of which one half is paid in; and that the amount of specie above mentioned is bona fide the property of the bank, and has not been borrowed, or in any wise obtained with the view to make this return. And these deponents further say, that since the last annual return, as before, the bank has kept an account in the North River Bank in the city of New-York, in order to have its bills receivable and current in New-York, so that such bills might pass in the state and elsewhere without discount; and the directors have accordingly ordered such surplus funds as were not needed at the bank for its ordinary business, to be sent to the said North River Bank, to redeem the paper there; and that the sum above stated as being in that bank, are the funds of this bank, placed there for the aforesaid purpose, with the ordinary means of the bank. And these deponents also say, that they have used such means, whenever requested by their customers, and persons holding their bills, by giving drafts on New-York at sight, and without premium; and that the bank has not been concerned, during the year, in the purchase of the bills of other banks, at discount or otherwise. And these deponents further say, that the balance due other banks, as stated in the preceding statement, is for collections recently made for such banks, and not yet remitted.

JAMES EMOTT,
WALTER CUNNINGHAM.

Sworn before me, this 27th day of February, 1829.
RICHARD PUDNEY, *Commissioner to take Affidavits, &c.*

Ordered, That the said communication be laid upon the table.

Ordered, That the usual number of copies thereof be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising Thomas Richards to erect a dam in the Susquehannah river."

"An act relative to the jails in the counties of Ontario and Livingston, and the removal of prisoners confined therein."

MARTIN VAN BUREN.

Albany, *March* 2, 1829.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That a committee of conference be appointed, on the amendments to the bill entitled "An act concerning the proof and acknowledgment of deeds," which are the subject of disagreement between the two houses; and in case of such concurrence, that Mr. Viele, Mr. Stebbins and Mr. S. Allen, be of said committee on the part of the Senate.

Thereupon,

Resolved, That this house concur with the Senate in their said resoluti.on; and that Mr. Dana, Mr. Edgerton and Mr. Judd, be of the said committee on the part of this house.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

In pursuance of previous notice, Mr. White asked for and obtained leave to bring in a bill entitled "An act relative to monies in the hands of overseers of the poor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. White asked for and obtained leave to bring in a bill, entitled "An act amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Allison asked for and obtained leave to bring in a bill entitled "An act for the relief of the town of Hampstead in the county of Rockland, and to establish a permanent name for said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Norton have leave of absence for ten days, Mr. Mann for seven days, Mr. Hynds for four days, Mr. W. Hall for four days, and Mr. Fitch for three days.

Mr. Randall gave notice that he would, on some future day, ask leave to introduce a bill to amend an act entitled "An act to incorporate the Sharon and Canajoharie turnpike company," passed at the present session of the legislature.

The house then proceeded to the consideration of the report of the committee on the militia, on the resolution referred to them on Friday last, instructing the committee to inquire into the expediency of increasing the compensation allowed by law to the inspector of the 40th brigade of infantry of this state; the said report being, that in the opinion of the committee, it is not expedient at this time to alter or amend the law in relation to that subject.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Allison, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to confirm the appointment of superintendents of the poor-house in the county of Livingston," and the engrossed bill entitled "An act relating to the appointment of public notaries and commissioners of deeds in the city of New-York," and that the same are correctly engrossed.

The said engrossed bill, entitled "An act to confirm the appointment of superintendents of the poor-house in the county of Livingston," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relating to the appointment of public notaries and commissioners of deeds in the city of New-York," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That the usual number of copies of the amendment offered by Mr. J. Van Beuren, while in committee of the whole on the said bill, together with title 2 of chapter 18 of the first part of the Revised Statutes, be printed for the use of the legislature.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, MARCH 3, 1829.

The House met pursuant to adjournment.

The petition of George D. Coles, praying that he may be authorized to erect a wharf opposite his land in the town of Oyster Bay, in the county of Queens, was read and referred to a select committee, consisting of the members attending this house from the counties of Kings, Queens and Suffolk.

The petition of Jonathan Peck, praying that he may be authorized to erect a dock opposite his lands in the town of Flushing, in the county of Queens, was read and referred to a select committee, consisting of the members attending this house from the counties of King, Queens and Suffolk.

The petition of the general society of mechanics and tradesmen of the city of New-York, praying for a renewal of the charter of the Mechanic's bank in the city of New-York, was read and referred to the committee on the incorporation and alteration of charters of banking and insurance companies.

The memorial of the infant school society in the city of New-York, praying certain legislative aid, as set forth in their petition, was read and referred to the committee on colleges, academies and common schools.

The petition of the supervisors of the county of Kings, praying for the passage of a law to alter the time of holding their courts of common pleas and general sessions, was read and referred to the committee on the judiciary.

The petition of John H. Lamsen and others, praying for the passage of a law or resolution, instructing the canal board to proceed and hear their petition

for an exta allowance for labor performed on the Oswego canal, was read and referred to the committee on claims.

The remonstrance of sundry inhabitants of the town of Watervliet, in the county of Albany, against any alteration of the law incorporating the Watervliet and Albany turnpike company, passed at the last session of the legislature, was read and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of China, in the county of Genesee, praying for the passage of an act directing the supervisors of said councounty to levy a tax to build bridges across the Cattaraugus, Buffalo and Clear creeks, in said town, was read and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Abraham Case and others, praying that the said Case may be admitted to an examination as a physician and surgeon by the medical society of the county of Tompkins, was read and referred to the committee on medical subjects.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of an act authorising the appointment of inspectors of wood and timber in said county, was read and referred to a select committee, consisting of Mr. Randall, Mr. Franklin and Mr. Sill.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the construction of the Black river canal, was read, and referred to the committee on canals and internal improvements.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of the Stamford library association, in the county of Delaware, reported:

That it appears from the petition, that in the year 1806, a number of inhabitants associated together for the purpose of erecting a library; that their funds have been, from time to time, increased by the admission of new members, until a respectable library has been collected; that they have never been incorporated; that they cannot avail themselves of the general act of 1813, inasmuch as many of the subscribers have removed from the place, and the number required by law being two-thirds of the subscribers, cannot be obtained; they therefore pray that a special act of incorporation may be passed.

The committee see no objection to granting the prayer of the petition, and have accordingly prepared a bill, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of the trustees of school district number 13 in the village of Newburgh, praying for the incorporation of a high school, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to establish a high school at Newburgh;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Holdridge, from the committee on the judiciary, on the communication of the secretary of state, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Holdridge, according to leave, brought in the said bill, entitled "An act to provide for the transferring from the office of the secretary of state to the office of the register in chancery, certain papers therein named;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Soper, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law, directing the clerk of the county of Ulster to deliver to the clerk of the county of Sullivan all such maps, field-books, ballotting books, records and other papers, filed in the clerk's office of the county of Ulster, relating to certain great lots of the Hardenbergh patent, lying within the county of Sullivan, to be deposited and remain of record in the office of the clerk of the county of Sullivan, reported:

That from the examination they have given to the application of the petitioners, it appears that about the year 1809 the county of Sullivan was erected from the south western part of the county of Ulster; that the Hardenbergh patent lies principally within the counties of Ulster, Sullivan and Delware, and certain great lots in said patent lie wholly within the county of Sullivan, and others partly within the counties of Sullivan, Ulster and Delaware; that previous to the erection of the county of Sullivan, partition of many of the lots in said patent was made between the owners thereof, and surveys made of several of the other lots; that records, maps, field-books, and other documents relating to the said partitions and surveys, are now of record, or on file in the clerk's office in the county of Ulster.

The petitioners represent, that the titles to various parts of the lots within the county of Sullivan are unsettled and in dispute; and for the purpose of saving trouble and expense in going to the clerk's office in the county of Ulster, to procure evidence in these disputes, they wish to have an act passed directing the removal of the records, maps, &c. to the clerk's office of Sullivan county.

The committee have not been able to ascertain whether the records, maps, &c. asked for by the petitioners, relate exclusively to the lots lying within the county of Sullivan, and are separate and distinct from other lands belonging to the Hardenbergh patent; and inasmuch as they are informed, that the greater part of the owners or claimants of said lots do not reside in the county of Sullivan, and are referred by these title deeds and papers, relating to the lands in said patent, to the clerk's office in the county of Ulster, the committee deem it inexpedient to grant the prayer of the petitioners, and ask leave to offer the following resolution.

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE SENATE AND ASSEMBLY.

GENTLEMEN,

In the communication which I had the honor to make to the legislature at the commencement of the session, I apprised you that the act authorising the employment of counsel to assist in the prosecution of persons charged with the abduction of William Morgan would expire in the month of May next. I have since appointed John C. Spencer, Esq. to be such counsel, in the place of Daniel Moseley, Esq. who has resigned the same in consequence of his appointment as circuit judge.

In a letter from Mr. Spencer, addressed to a member of the Senate, and communicated to me, he recommends a continuance of the act for another year, expresses his opinion that no alteration in it is expedient or necessary, and adds, that the continuing it in force ought to be disconnected with any provision or proposition whatever. In a more recent letter received from him by me, he repeats his convictions of the urgent necessity that the act should be kept in force for at least one year longer, and requests me to recommend the subject to your attention.

Believing the original measure to be a very proper one, and concurring fully in the views expressed by the special attorney, I take the liberty of soliciting your early and favorable attention to the subject.

M. V. BUREN.

Albany, March 3d, 1829.

Ordered, That the said message be committed to a committee of the whole when on the bill to which it relates; and that the usual number of copies thereof be printed for the use of the legislature.

A communication from the comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, March 3, 1829.

SIR,

I have the honor herewith to transmit a report, made in pursuance of a resolution of the Honorable the Assembly of the 13th January last.

I am, very respectfully,
Your obedient servant,

S. WRIGHT, Jun.

Hon. Peter Robinson,
Speaker of the Assembly.

COMPTROLLER'S OFFICE,
Albany, March 3, 1829.

The comptroller, in obedience to a resolution of the Honorable the Assembly of the 13th January last, requesting him "to submit to the house a statement of the loans heretofore made by this state to individuals, companies and incorporations, which now remain unpaid, specifying the time when payable, and the amount due on each loan respectively," reports:

That the annexed schedules, marked No. 1 and 2, embrace a full list of the loans called for by the resolution, together with the amounts now due, or which would be due to the state upon each loan, as nearly as those facts can be now ascertained. It will be seen by the notes to schedule No. 1, that in many cases of foreclosure of mortgages, the land was bid in by the state, and has been re-sold. In these cases, the sums carried out as due, are the sums which would now be due to the state upon each loan, over and above the sums for which the mortgaged premises have been re-sold; or in other words, the sum carried out as due in each case, is the loss which the state has sustained by a failure in the receipt of the principal and interest of the loan. These cases are marked B. upon schedule No. 1. The remaining cases marked A. and C., are either where the lands yet remain in the hands of the state, or where partial re-sales have been made, and the residue of the mortgaged premises remains the property of the state. In these cases, the sums carried out are the principal and interest which would now be due to the state upon the original loan; but the extent of loss, if any, to be sustained by the state, cannot be ascertained until entire re-sales take place.

Schedule No. 2, contains a list of the loans, where payments of interest have been made to a greater or less extent, and where no foreclosures have been had.

Respectfully submitted,

SILAS WRIGHT, Jun.

[*For pages* 592 *to* 628 *inclusive, see* Tables, (Sigs. T. and U.)]

326, ...	245 94	16 82	262 76
322, ...	104 05	42 46	146 51
21, ...	10,000 00	7,282 27	17,282 27
21, ...	494 78	221 62	716 40
826, ...	79 21	4 29	83 50
825, ...	406 90	304 63	711 53
20, 1821, ...	336 54	170 07	506 61
uary 15, 1821, ..	1,000 00	453 62	1,453 62
ary 11, 1821, ..	3,302 28	1,617 98	4,920 26
22, 1818.	1,000 00	934 07	1,934 07

the amount of which is $117,301 03.
ands of the state.
been resold.

[*Sig. T.*]

No. 1.

STATEMENT

Of Loans made by the State to Individuals, Corporations and Companies, secured by Mortgages, which have been foreclosed.

MORTGAGORS.		AMOUNT OF MORTGAGE.	DATE OF MORTGAGE.	WHEN PAYABLE.	DATE OF FORECLOSURE.	BALANCE DUE 1 JAN. 1829. PRINCIPAL.	INTEREST.	TOTAL.
Archibald, Robert,	B.	1,100	3 May, 1809,	3 years,	20 April, 1821,	419 33	193 10	612 43
Ayres, Samuel,	A.	150	5 Mareh, 1816,	2 years,	25 April, 1821,	142 88	141 27	284 15
Barrett, jun., Oliver,	B.	1,000	4 June, 1816,	2 years,	20 April, 1821,	144 56	69 79	214 35
Barnard, Valentine,	B.	850	31 May, 1803,	1 June, 1805,	11 July, 1822,	850 00	801 91	1,651 90
Baits, David,	B.	600	16 June, 1803,	" ..	18 May, 1812,	600 00	717 49	1,317 49
Baldwin, Seth C.,	A.	1,000	12 April, 1816,	2 years,	15 June, 1825,	1,000 00	589 25	1,589 25
Beers, Truman,	B.	1,540	24 July, 1812,	16 June, 1817,	15 December, 1821,	1,410 00	565 86	1,975 86
Beers & Humiston,	B.	1,030	12 October, 1812,	" ..	" "	1,030 00	640 51	1,640 51
do do	A.	1,320	24 July, 1812,	" ..	" "	1,320 00	1,312 19	2,632 19
Becker, Gerrit,	A.	800	24 January, 1816,	2 years,	12 July, 1826,	800 00	751 22	1,551 22
Blair, Absalom,	A.	250	4 June, 1808,		8 July, 1822,	247 75	272 29	520 04
Bleecker, Ely & Attwood,	A.	500	2 September, 1806,		" "	428 31	348 06	776 37
Booth, George,	A.	5,000	13 August, 1808,	5 years,	16 November, 1825,	8,875 73	1,093 84	9,869 57
Brett, Joshua H.	B.	1,000	18 June, 1813,	2 years,	15 June, 1825,	1,000 00	319 29	1,319 29
Brown, John,	A.	600	3 Oetober, 1815,	2 years,	12 July, 1826,	600 00	279 70	879 70
do do	A.	797	8 July, 1819,	2 years,	" "	797 00	385 26	1,182 26
Britton, William,	A.	700	31 October, 1815,	2 years,	25 April, 1821,	700 00	520 74	1,220 74
Butler, Medad or Wm.	A.	1,000	21 June, 1816,	2 years,	12 July, 1826,	1,000 00	773 23	1,773 23
Burrows, Jabez,	B.	5,000	7 December, 1816,	5 years,	23 August, 1824,	3,998 38	991 17	4,989 53
Butler, Benjamin,		22,969 33	1 September, 1819,	1 year,	1 July, 1825,	22,269 33	10,000 22	32,270 55
Brown, Phineas,	B.	721	25 August, 1815,	2 years,	25 April, 1821,	485 18	19 43	504 61
Campbell, John and Peter,	A.	687	8 April, 1815,	2 years,	8 July, 1822,	687 00	578 61	1,265 61
Capron, Seth,	B.	6,000	29 July, 1812,	1 August, 1819,	1 June, 1825,	2,288 34	160 18	2,448 52
Case, jr., Ashbel,	B.	1,000	16 September, 1813,	2 years,	26 June, 1826,	390 00	18 20	408 20
Cadwell, Matthew,	B.	1,137 50	20 July, 1821,		15 August, 1827,	169 15	9 02	178 17
Chestney, James,	B.	1,000	28 December, 1814,	2 years,	13 June, 1818,	845 30	340 11	1,185 41
Conkling, Isaac,	A.	350	26 May, 1813,	2 years,	3 May, 1824,	314 92	231 50	546 42
Cogswell, Smith,	A.	4,377	16 May, 1814,	1 May, 1819,	10 August 1822,	4,377 00	3,020 10	7,397 10
do do	A.	5,623	20 June, 1814,	" " ..	8 July, 1822,	5,623 00	3,923 86	9,546 86
do Stephen,	B.	500	6 December, 1815,	1 year,	11 " "	208 77	84 12	292 89
Cochran, Walter L.,	A.	1,000	14 December, 1814,	2 years,	18 July, 1825,	1,000 00	758 88	1,758 88
Cook, Samuel,	B.	400	6 March, 1815,	2 years,	15 " 1822,	288 42	73 45	361 87
Cook, John,	B.	1,000	13 January, 1815,	2 years,	15 Feb. 1821,	33 42	18 05	51 47
Cole, Abner,	B.	10,000	15 September, 1820,	11 years,	1 July, 1825,	7,268 35	838 07	8,106 42
Coates, jun., Ezra,	A.	1,000	15 April, 1815,	2 years,	20 August, 1827,	1,000 00	801 50	1,801 50
Conde, Nicholas D.,	B.	375	19 May, 1815,	2 years,	11 July, 1822,	75 44	30 98	106 42
Covel, Joseph B.	B.	450	21 March, 1816,	2 years,	25 April, 1821,	195 67	84 27	279 94
Crandall, Clark,	A.	1,000	17 July, 1820,	5 years,	12 July, 1827,	1,000 00	417 01	1,417 01
Darrow, Eleazer,	B.	250	20 February, 1816,	2 years,	1 July, 1826,	245 94	16 82	262 76
Dewey, Wm.,	B.	300	10 February, 1810,	3 years,	8 July, 1822,	104 05	42 46	146 51
Dusenbury, John,	B.	500	7 April, 1809,	3 years,	10 November, 1821,	29 66	13 36	43 02
Duncan, Richard,	B.	1,000	9 January, 1819,	2 years,	15 February, 1821,	83 14	38 93	122 07
Efner, Valentine,	A.	700	September 18, 1815,	2 years,	May 1, 1821,	700 00	580 12	1,280 12
Ely, jun., John,	B.	800	August 29, 1814,	10 years,	July 8, 1822,	465 52	82 00	547 52
do do	B.	1,000	December 15, 1813,	2 years,	May 25, 1825,	1,000 00	469 02	1,469 02
Fassett, Timothy,	A.	400	September 23, 1815,	2 years,	May 4, 1818,	400 00	396 44	796 44
Feeck, John,	B.	500	April 22, 1816,	2 years,	July 15, 1822,	500 00	121 13	621 13
Fuller, Asa,	B.	700	May 30, 1816,	2 years,	May 23, 1818,	292 49	50 76	343 25
Grant, jr., William,	B.	945	January 8, 1819,	2 years,	July 8, 1812,	666 66	271 97	938 63
Grammon, Nathaniel,	B.	1,500	July 25, 1815,	5 years,	March 11, 1819,	1,500 00	876 50	2,376 50
Gumaer, jun., Elias,	A.	1,000	September 4, 1815,	2 years,	August 12, 1822,	1,000 00	764 52	1,764 52
Grant, John,	C.	1,000	June 29, 1814,	1 August, 1823,	April 20, 1821,	1,000 00	681 79	1,681 79
Gill and others, Thomas,	A.	1,500	February 14, 1816,		July 8, 1824,	1,108 48	818 11	1,916 59
Hayes, Aaron,	A.	1,000	March 6, 1815,	2 years,	July 15, 1822,	1,000 00	953 64	1,953 64
Henderson, James,	B.	300	June 27, 1816,	2 years,	April 25, 1821,	201 55	81 41	282 96
Hoit, Gates,	A.	600	February 27, 1813,	2 years,	September 9, 1822,	600 00	491 40	1,091 40
House, Frederick,	A.	1,000	February 19, 1816,	2 years,	July 25, 1822,	1,000 00	946 79	1,946 79
do do	A.	500	February 19, 1816,	2 years,	" "	500 00	596 46	1,096 46
Hutton, Isaac,	B.	20,000	January 27, 1817,	5 years,	August 5, 1818,	19,599 52	10,518 67	30,118 19
Hurlbut, Elijah,	B.	1,000	June 24, 1815,	2 years,	April 30, 1821,	915 63	322 04	1,237 67
Hurd, Robert L.,	B.	300	October 11, 1815,	2 years,	April 3, 1819,	300 00	253 17	553 17
Hunt, Jasper,	A.	500	November 27, 1817,		July 15, 1822,	500 00	382 68	882 68
Hyde, Calvin,	A.	800	May 20, 1813,	2 years,	May 1, 1821,	800 00	795 98	1,595 98
Jamesville Iron and Wollen Factory,	B.	4,500	June 11, 1812,	5 years,	October 20, 1819,	4,500 00	2,590 20	7,090 12
Jackson, W. & D.,	B.	5,000	June 1, 1813,	5 years,	March 20, 1819,	4,535 21	2,294 42	6,829 63
Jenkins, jun. Marshall,	A.	1,000	November 6, 1809,	3 years,	May 30, 1821,	905 83	754 08	1,659 91
Johnson, Timothy,	A.	648	September 29, 1815,	2 years,	December 16, 1822,	648 00	495 96	1,143 96
Joy, Charles,	A.	1,500	May 3, 1808,	5 years,	October 18, 1821,	1,500 00	1,911 41	3,411 41
Jones, Israel,	B.	500	March 5, 1816,	2 years,	June 22, 1825,	490 78	172 89	663 67
Judson, Nathaniel,	B.	1,000	April 6, 1815,	2 years,	April 30, 1819,	1,000 00	770 30	1,770 30
Kelly, Alexander,	B.	1,000	May 5, 1809,	3 years,	September 14, 1825,	1,000 00	320 58	1,320 58
Lansing, Jeremiah,	B.	1,000	Jan. 29, 1816,	2 years,	May 5, 1825,	1,000 00	148 03	1,148 03
Laing & Johnson,	B.	800	Jan. 30, 1807,		July 18, 1826,	380 05	344 24	724 29
Laing, Thomas,	A.	1,300	July 15, 1811,		" "	1,300 00	1,021 84	2,321 84
Lathrop, John,	A.	500	October 12, 1815,	2 years,	June 26, 1826,	500 00	249 97	749 97
Lamson, Daniel,	B.	300	October 11, 1815,	2 years,	July 15, 1822,	300 00	52 18	352 18
Lake, Aaron,	B.	750	April 29, 1818,	2 years,	June 1, 1825,	431 70	54 42	486 12
McCarty, William,	B.	1,500	November 10, 1806,		December 13, 1813,	1,500 00	1,665 86	3,165 86
McCrea, John,	A.	750	March 21, 1818,	2 years,	July 12, 1826,	750 00	515 98	1,269 98
McCullock, jr., James,	A.	1,000	January 27, 1818,	2 years,	June 7, 1825,	1,000 00	499 57	1,499 57
McKenzie, Roderick,	B.	195	March 14, 1816,	2 years,	July 15, 1822,	172 09	30 17	202 26
McLean, Peter,	B.	700	August 4, 1813,	2 years,	June 26, 1826,	104 89	5 64	110 53
McPherson, Alexander,	B.	1,000	May 10, 1815,	2 years,	July 1, 1822,	27 07	11 00	38 07
McQueen, Robert,	B.	10,000	April 18, 1812,	Feb. 28, 1817,	October 3, 1825,	5,641 11	592 31	6,233 42
Marsh, Luther,	B.	470	July 14, 1813,	2 years,	April 25, 1821,	470 00	240 96	710 96
Malbone, Solomon,	B.	400	March 5, 1816,	2 years,	July 15, 1822,	346 61	92 88	439 49
Mallory, James,	A.	300	March 23, 1816,	2 years,	June 22, 1825,	205 50	206 05	411 55
Mesereau, Joshua,	A.	1,000	July 14, 1815,	2 years,	March 25, 1819,	1,000 00	990 45	1,990 45
Morse, Timothy,	B.	3,000	May 30, 1814,	5 years,	July 11, 1822,	1,061 94	310 97	1,372 91
Morgan, Jonas,	B.	3,000	September 21, 1807,		June 9, 1819,	1,683 62	986 09	2,669 71
Manuel, John,	B.	700	Oetober 17, 1822,		June 28, 1827,	258 49	12 08	270 57
Mower, James B.,	A.	6,000	July 24, 1818,	3 years,	December 23, 1822,	6,000 00	4,316 28	10,316 28
Norton and others, Heman,	A.	10,000	April 29, 1818,	3 years,	May 1, 1821,	10,000 00	7,282 27	17,282 27
Owen, Elijah,	B.	1,000	January 16, 1816,	2 years,	May 1, 1821,	494 78	221 62	716 40
Parsons, Benj. S.,	B.	612 50	July 20, 1821,		June 26, 1826,	79 21	4 29	83 50
Person, Oliver,	A.	440	October 6, 1815,	2 years,	June 22, 1825,	406 90	304 63	711 53
Phillips, Reed,	B.	1,000	September 2, 1815,	2 years,	April 20, 1821,	336 54	170 07	506 61
Platt, Charles Z.,	B.	1,000	December 9, 1815,	2 years,	February 15, 1821,	1,000 00	453 62	1,453 62
Peck, Morris & Hawkins,	C.	6,000	July 24, 1812,	7 years,	January 11, 1821,	3,302 28	1,617 98	4,920 26
Purmort, John,	A.	1,000	September 20, 1813,	2 years,	April 22, 1818,	1,000 00	934 07	1,934 07
Rich, Calvin,	B.	1,000	July 12, 1813,	2 years,	July 15, 1822,	3 11	1 23	4 34
Roys, Rufus A.,	B.	1,000	March 20, 1819,	2 years,	December 22, 1825,	730 84	24 13	754 97
Rose, Moses D.,	B.	1,000	Mareh 2, 1816,	2 years,	June 6, 1825,	15 76	2 75	18 51
Rose, De Witt,	B.	1,000	February 29, 1816,	2 years,	June 25, 1821,			No loss.
Rouse, Caspar M.,	A.	1,000	November 7, 1817,	2 years,	June 7, 1825,	1,000 00	553 63	1,553 63
Russell, Caleb,	B.	1,000	May 3, 1815,	2 years,	April 20, 1821,	1,000 00	675 63	1,675 63
Scott, Daniel D.,	B.	400	June 15, 1816,	2 years,	June 4, 1821,	57 30	19 41	76 71
Seeley, Benjamin,	B.	1,000	Oetober 4, 1815,	2 years,	July 15, 1822,	364 58	148 34	512 92
Sinclair, John,	B.	500	January 2, 1810,	3 years,	July 8, 1822,	442 01	80 63	522 64
do Duncan,	A.	300	February 6, 1819,	3 years,	June 28, 1827,	300 00	211 62	511 62
Slater, Joseph,	B.	500	February 5, 1816,	2 years,	June 22, 1825,	436 59	57 36	493 95
do Ira,	A.	400	Mareh 26, 1819,	2 years,	July 15, 1822,	400 00	294 28	694 28
Smith, Ralph,	B.	1,000	February 15, 1816,	2 years,	April 20, 1821,	941 81	233 77	1,175 58
do Allen,	B.	1,000	April 18, 1815,	2 years,	May 1, 1821,	209 24	45 99	255 23
Southwick, H. C.,	B.	1,000	April 2, 1814,	2 years,	May 25, 1825,	1,000 00	939 49	1,939 49
Steele, Eliphalet,	C.	700	September 14, 1814,	2 years,	November 14, 1817,	700 00	423 62	1,123 62
do jr., Nathaniel,	A.	1,750	August 6, 1817,	14 April, 1820,	July 12, 1826,	1,750 00	776 82	2,516 82
Sinclair, Hugh,	A.	650	June 14, 1808,		June 28, 1827,	527 73	260 43	788 16
Van Kleeck, Lawrence L.,	B.	1,000	November 28, 1814,	2 years,	April 20, 1821,	329 67	38 50	368 17
Van Rensselaer, Saunders,	A.	1,000	October 22, 1814,	2 years,	September 18, 1826,	1,000 00	413 59	1,413 59
Van Vechten, Walter,	B.	1,000	February 22, 1814,	1 year,	February 15, 1821,	1,000 00	376 15	1,376 15
Veeder, Harmanus A.,	B.	1,000	January 9, 1816,	2 years,	March 15, 1820,	1,000 00	514 80	1,514 80
Velie, Abraham L.,	B.	2,500	May 24, 1813,	5 years,	June 23, 1825,	406 02	20 45	426 47
Vosburgh, John A.,	B.	800	February 14, 1816,	2 years,	October 31, 1818,	395 66	172 90	568 56
Washbond, Hope,	A.	1,000	February 21, 1816,	20 January, 1818,	June 22, 1825,	1,000 00	681 48	1,681 48
Wheeler, David,	B.	600	September 22, 1814,	2 years,	March 25, 1819,	468 45	90 39	558 84
do do	B.	300	September 22, 1814,	2 years,	April 25, 1821,	300 00	184 33	484 33
Whitman, Benjamin,	A.	1,000	October 31, 1815,	2 years,	April 25, 1821,	500 00	502 47	1,002 47
Yates, Henry F.,	B.	1,000	May 9, 1815,	2 years,	May 1, 1821,	31 75	15 48	47 23
Young, James,	B.	780	November 25, 1814,	2 years,	June 28, 1827,	780 00	205 23	985 23
Yates, John V. N.,	A.	1,000	March 25, 1819,	2 years,	June 28, 1825,	1,000 00	703 70	1,703 70

The Mortgages marked A. represents the property as belonging to the state.
" " B. represents the land as resold, and the actual loss to the state, the amount of which is $117,301 03.
" " C. part of the premises have been sold, and remainder is in the hands of the state.
The Mortgage of Benjamin Butler was given for Lottery Tickets; some of the land has been resold.

[*Sig. T.*]

	1,000 00	145 83	1,145 83
	450 00	14 88	464 88
	1,267 94	50 55	1,318 49
	400 00	14 08	414 08
	1,000 00	21 97	1,021 97
	500 00	20 04	520 04
	158 71	9 17	167 88
	1,000 00	83 03	1,083 03
	500 00	32 86	532 86
	420 00	18 18	438 18
	1,500 00	181 78	1,681 78
	1,500 00	188 71	1,688 71
	300 00	16 57	316 57
	1,500 00	163 62	1,663 62
	1,000 00	162 25	1,162 25
	542 71	60 12	602 83
	800 00	19 87	819 87
	692 25	49 24	741 49
	500 00	10 69	510 69
	928 85	77 85	1,006 70
	244 13	25 20	269 33
	1,000 00	71 71	1,071 71
	400 00	38 26	438 26

No. 2.

STATEMENT

Of Loans made by the State to Individuals, Companies and Incorporations, secured by Mortgages, which have not been foreclosed.

MORTGAGORS.	DATE OF MORTGAGES.	WHEN PAYABLE.	BALANCE DUE 1 JAN. 1829.		TOTAL AM'T. OF PRIN. & INT.
			PRINCIPAL.	INTEREST.	
Alsop, John,	1803, May 28,	2 years,	900 00	21 00	921 00
Anderson, John,	1813, June 30,	2 years,	200 00	1 17	201 17
Arnold, Benedict,	1816, June 3,	2 years,	1,000 00	40 25	1,040 25
Averill, Nathaniel,	1815, September 13,	2 years,	73 87	2 34	76 21
B.					
Bacon, Elijah,	1818, January 17,	2 years,	350 00	8 16	358 16
do.	1815, April 10,	2 years,	400 00	21 83	421 83
Baker, John,	1819, March 30,	2 years,	500 00	33 82	533 82
Barhydt, James,	1816, April 15,	1 year,	500 00	19 79	519 79
Barns, Abel,	1814, March 22,	2 years,	800 00	39 21	839 21
Bartlett, Elihu,	1817, October 15,	2 years,	200 00	16 92	216 92
Bartow, Andrew,	1808, May 6,	2 years,	484 58	35 05	519 63
Beach, Ahira,	1815, March 29,	2 years,	279 10	15 69	294 79
Beecher, Ely,	1815, May 29,		1,000 00	111 03	1,111 03
Beecher, John, (Rutland woollen factory,)	1814, July 20,	Payable 1 June, 1820,	237 00	6 93	243 93
Beekman, Peter Douw,	1814, September 7,	2 years,	500 00	27 71	527 71
Betts, Josiah T.	1816, January 19,	2 years,	450 00	28 88	478 88
Billington, James,	1815, September 27,	2 years,	500 00	44 04	544 04
Bloodgood, Abraham,	1806, September 25,		515 40	50 06	565 46
Bouck, Adam,	1815, July 3,	2 years,	500 00	65 20	565 20
Bowen, Benjamin,	1815, January, 4,	2 years,	5,000 00	233 34	5,233 34
Broadalbin woollen manufacturing company,	1813, August 16,	5 years,	2,500 00	88 22	2,588 22
Brown, Timothy,	1815, September 20,	2 years,	900 00	66 30	966 30
Bruyn, Jacobus S.,	1815, February 27,	2 years,	1,000 00	57 94	1,057 94
Bunker, Jethro,	1815, May 24,	2 years,	1,000 00	47 00	1,047 00
Burrell, Jonathan,	1813, June 24,		551 43	12 17	563 60
Brunn, Andrew, (part of loan to Catharine Tillinghast,)	1821, August 18,		314 43	7 30	321 73
Brundage, Benj. S., (part of the premises mortgaged to the state by George M'Clure,)			4,390 00	819 46	5,209 46
C.					
Cameron, Janet and John,	1813, June 17,	2 years,	309 68	42 27	351 95
Cameron, John,	1813, October 30,	2 years,	450 00	23 62	473 62
Cameron, Robert,	1816, September 20,	2 years,	400 00	7 78	407 78
Campbell, Alexander,	1813, July 14,	2 years,	925 00	29 85	954 85
Carmichael, James,	1817, December 4,	6 equal yearly instal.	1,000 00	145 83	1,145 83
Chamberlin, Andrew,	1809, February 16,	3 years,	450 00	14 88	464 88
Chapman, Josiah,	1813, April 24,	5 years,	1,267 94	50 55	1,318 49
Cheadel, Elijah,	1815, June 29,	2 years,	400 00	14 08	414 08
Clapp, Rufus,	1815, September 7,	2 years,	1,000 00	21 97	1,021 97
Clark, George,	1816, June 4,	2 years,	500 00	20 04	520 04
Clark, Jeremiah,	1814, May 14,	2 years,	158 71	9 17	167 88
Clark, Samuel, Jr.,	1815, October 23,	2 years,	1,000 00	83 03	1,083 03
Clemmons, Hine,	1816, January 22,	2 years,	500 00	32 86	532 86
Cole, John D.	1813, June 5,	2 years,	725 21	59 20	784 41
Collins, Joseph,	1815, September 27,	2 years,	650 00	30 75	680 75
Condit, Samuel H.,	1813, August 21,	2 years,	458 21	31 31	489 52
Cook, John, Jun.,	1815, November 7,	2 years,	300 00	3 09	303 09
Cook, William,	1816, January 24,	2 years,	600 00	41 20	641 20
Cornwell, Ashbel,	1813, July 3,	2 years,	852 71	214 50	1,067 21
Crary, John,	1813, July 14,	2 years,	725 77	0 98	726 75
Crookshank, John, Jun.,	1809, March 1,	3 years,	113 16	2 99	116 15
Crookshank, Nathaniel,	1810, February 5,	3 years,	191 90	15 99	207 89
Curtis, Nathaniel,	1813, August 12,	2 years,	240 15	12 60	252 75
D.					
Danforth, Thomas P.,	1815, May 18,	2 years,	1,000 00	113 16	1,113 16
Dauchy, Smith & Co., (part of Wm. Robard's loan,)	1820, May 23,	2 years,	304 57	12 87	317 44
Davis, John P.,	1813, June 12,	2 years,	378 65	19 25	397 90
Deal, Henry,	1815, May 18,	2 years,	350 00	39 61	389 61
Decker, Peter,	1818, April 13,	2 years,	375 00	47 24	422 24
De Forest, Abel, part of E. Knapp's and D. Dickey's loan,	1813, May 26,	2 years,	892 50	38 32	930 82
De Witt, Simeon,	1803 July 20,	2 years,	900 00	126 00	1,026 00
do.	1814, August 12,	2 years,	3,000 00	290 00	3,290 00
do.	1816, May 16,	2 years,	1,200 00	136 27	1,336 27
Dobbin, Hugh W.,	1819, March 5,	2 years,	500 00	28 68	528 68
Dodge, Amos,	1819, March 20,	2 years,	200 00	4 60	204 60
Dow, Nathan,	1819, March 1,	2 years,	600 00	35 00	635 00
Dusenbury, David, part of Jno. Dusenbury's loan,	1821, November 10,		74 89	27 48	102 37
E.					
Edson, Dean,	1815, March 3,	2 years,	1,000 00	127 08	1,127 08
Eagan, William,	1815, August 21,	2 years,	500 00	82 54	582 54
Elmendorf, Lucas,	1807, December 29,	2 years,	2,000 00	98 67	2,098 67
Elmendorf and Carpenter,	1815, February 27,	2 years,	700 00	16 33	716 33
Elmendorf and Johnson,	1815, February 27,	2 years,	500 00	32 45	532 45
Elmendorf and Morse,	1815, February 27,	2 years,	800 00	103 13	903 13
F.					
Fairchild, John F. and William,	1812, November 24,	5 years,	2,591 98	64 51	2,656 49
do. do.	1813, January 13,	5 years,	705 12	62 50	767 62
Featherstonhaugh, G. W.,	1815, December 23,	2 years,	1,000 00	211 35	1,211 35
Finch, Isaac,	1818, February 10,	2 years,	500 00	66 11	566 11
Finch, Jonathan,	1818, December 21,	2 years,	800 00	57 40	857 40
Foote, Cyrenus,	1813, June 8,	2 years,	923 73	14 37	938 10
Foote, Daniel A.,	1817, June 21,		490 00	17 63	507 63
Francisco, Michael,	1816, April 20,	2 years,	800 00	18 66	818 66
Frisbie, Gideon,	1819, January 21,	2 years,	1,000 00	49 97	1,049 97
Fry, Martin,	1815, August 21,	2 years,	250 00	23 67	273 67
Fry, Henry L.,	1819, April 12,	2 years,	600 00	47 10	647 10
G.					
Gaylord, Eleazer B.,	1815, September 11,	2 years,	420 00	18 18	438 18
Genet, Edmund C.,	1808, April 4,		1,500 00	181 78	1,681 78
do.	1809, March 13,	3 years,	1,500 00	188 71	1,688 71
Gilbert, Lazarus,	1816, March 16,	2 years,	300 00	16 57	316 57
Gilbert, Elisha, Jun.,	1813, June 9,	5 years,	1,500 00	163 62	1,663 62
Gill, John,	1818, June 3,	2 years,	1,000 00	162 25	1,162 25
Goes, Lucas,	1817, May 8,	6 years,	542 71	60 12	602 83
Goes, Richard I.,	1815, September 18,	2 years,	800 00	19 87	819 87
Granger, Hezekiah L.,	1813, October 27,	2 years,	692 25	49 24	741 49
Gray, Adam A.,	1819, March 10,	2 years,	500 00	10 69	510 69
Gregory, Uriah M.,	1813, June 2,	2 years,	928 85	77 85	1,006 70
Gurnee, Francis,	1819, February 19,	2 years,	244 13	25 20	269 33
H.					
Hagaman, John,	1816, April 4,	2 years,	1,000 00	71 71	1,071 71
Hager, Henry, Jun.	1818, January 20,	2 years,	400 00	38 26	438 26

1,000 00	52 50	1,052 50
200 00	11 97	211 97
393 17	3 28	396 45
7,500 00	3,923 91	11,423 91
1,000 00	87 50	1,087 50
405 89	17 53	423 42
500 00	17 50	517 50
487 83	45 54	533 37
828 31	93 77	922 08
1,000 00	59 30	1,059 30
720 00	16 75	736 75
454 33	19 15	473 48
1,410 00	51 34	1,461 34
600 00	113 05	713 05
507 79	11 85	519 64

STATEMENT No. 2, (*Continued.*)

MORTGAGORS.	DATE OF MORTGAGES.	WHEN PAYABLE.	BALANCE DUE 1 JAN. 1829.		TOTAL AM'T. OF PRIN. & INT.
			PRINCIPAL.	INTEREST.	
Hallett, Stephen and Charles,	1818, May 25,	2 years,	1,000 00	41 81	1,041 81
Harford, John,	1815, December 22,	2 years,	371 58	6 69	378 27
Hart, Harman V.,	1813, April 26,	2 years,	948 41	124 04	1,072 45
Hatch, Charles,	1815, February 6,	2 years,	1,000 00	62 99	1,062 99
Hay, Alexander,	1816, May 29,	2 years,	150 00	16 66	166 66
Hinman, Josiah,	1813, August 12,	2 years,	700 00	54 18	754 18
Hitchcock, Zina,	1815, September 26,	2 years,	1,000 00	100 07	1,100 07
Hollister, Dorastus,	1819, March 24,	2 years,	400 00	21 46	421 46
Hopkins, Edward,	1815, September 15,	2 years,	550 00	11 23	561 23
Hotchkiss & Mygatt, part of the loan to the Clinton woollen manufactory,	1812, July 1,	5 years,	1,100 00	38 50	1,138 50
Hudson academy, trustees of,	1813, March 3,	2 years,	500 00	28 86	528 86
Huffs, David,	1816, January 2,	2 years,	500 00	34 22	534 22
Hulbert, Calvin,	1813, August 31,	2 years,	635 00	39 77	674 77
Hurlbut, Daniel,	1816, June 3,	2 years,	499 86	43 26	543 12
I.					
Ives, Levi,	1814, October 11,	2 years,	600 00	51 21	651 21
Jefferson co. loan, pursuant to the act, ch. 89, passed 13 March, 1821, for rebuilding court-house and gaol, pay. in 4 annual install. to be raised by tax, beginning with 1821, $4,000 2,000	1817, April 21, 1817, October 19,	4 annual instalments,	817 05	152 65	969 70
Jewell, Ezekiel,	1816, February 8,	2 years,	600 00	49 57	649 57
Johnston Andrew, part of Laing and Johnston's loan,	1822, October 24,		380 06	35 07	415 13
Johnson, Daniel, (secured by Erastus Craft's mortgage,)	1814, July 30,	5 years,	3,985 60	233 29	4,218 89
Johnson, John T.,	1814, January 19,	2 years,	155 01	0 99	156 00
Johnson, Thomas W.,	1815, May 1,	2 years,	450 00	52 50	502 50
K.					
Kennedy, Hugh,	1814, May 2,	2 years,	1,000 00	46 27	1,046 27
King, John,	1815, August 18,	2 years,	500 00	47 83	547 83
King, Reuben,	1818, July 8,	2 years,	700 00	25 87	725 87
Kirtland, Dorrance,	1813, July 13,	2 years,	687 12	59 91	747 03
Kline, George,	1819, March 18,	2 years,	250 00	15 70	265 70
Knapp, Charles,	1813, May 24,	5 years,	1,557 50	66 33	1,623 83
L.					
Lassels, John,	1815, April 13,	2 years,	495 38	3 49	498 87
Lathrop, Eleazer,	1815, May 5,	2 years,	1,000 00	99 69	1,099 69
Leake, Isaac Q., part of Catharine Tillinghast's loan,	1823, October 11,		318 50	49 56	368 06
do. do. do.	1823, October 11,		113 00	17 55	130 55
Ledyard, Samuel,	1819, March 19,	2 years,	1,000 00	52 50	1,052 50
Lepper, Jacob F.,	1814, February 22,	2 years,	200 00	11 97	211 97
M.					
McBeath, John,	1819, March 31,	2 years,	393 17	3 28	396 45
McClure, George, loan of $7,500. authorised by act of 1820, ch. 113, payable in 10 years, with interest, at 7 per cent. per annum: the principal payable in 5 annual instalments, to commence 6 years from the date hereof. Loaned 19 May, 1820, $6,500 do. 15 June, 1820, 1,000			7,500 00	3,923 91	11,423 91
[Pursuant to act, chap. 17, of 1825, parts of the above mortgaged premises have been sold by the mortgagor to Israel Morris and Benjamin S. Brundage, the payment for which is secured by their mortgages thereon to the state; the amounts thereof, when one third of the purchase money shall be paid, are to be credited on this loan]					
McColl, Duncan,	1818, April 22,	2 years,	550 00	93 37	643 37
McDonald, John,	1807, January 30,		1,969 99	163 12	2,133 11
McDowal, Andrew, part of Catharine Tillinghast's loan,	1817, January 9,		56 23	7 66	63 89
McFarlane, Daniel,	1815, September 4,	2 years,	400 00	65 02	465 02
McFarlane, Parlan,	1815, April 27,	2 years,	300 00	14 17	314 17
McIntyre, Daniel, Jr.	1806, July 11,		839 80	88 78	928 58
McKinlay, John,	1809, March 17,	3 years,	314 71	51 92	366 63
do.	1810, February 13,	3 years,	371 32	60 52	431 84
McLaren, James,	1813, November 24,	3 years,	566 08	20 13	586 21
McLaren, John,	1813, November 3,	3 years,	300 00	24 32	324 32
McMartin, Duncan, Jun.	1815, April 12,	2 years,	1,000 00	50 16	1,050 16
McMartin, John,	1810, February 6,	2 years,	631 80	5 25	637 05
McMartin, Peter, Sen'r.,	1816, June 3,	2 years,	500 00	55 12	555 12
McQueen, James,	1813, December 4,	2 years,	193 38	.....	193 38
Magee, William,	1813, July 17,	2 years,	86 00	0 80	86 80
Mappa, A. G. and others, residue of loan to Oldenbarnevelt Company, (mortgaged for $2000.)	1812, August 1,	5 years,	723 68	40 40	764 08
do. loan to said company, (mortg. for $3000.)	1812, August 1,	5 years,	1,796 21	130 51	1,926 72
Masters, Josiah,	1818, December 18,	2 years,	1,000 00	2 33	1,002 33
Masters, Nicholas M. and Albert P.,	1818, December 21,	2 years,	1,000 00	71 74	1,071 74
Middlebury Academy, trustees of ———, Isaac Wilson, Pres't. Their promisory note payable with interest on the 1st March, 1828.			350 00	37 02	387 02
Miller, Matthew,	1813, October 26,	2 years,	500 00	23 82	523 82
Mitchell, Robert,	1814, June 25,	2 years,	552 13	47 33	599 46
Moffitt, Hosea, for the Nassau Manufacturing Company,	1813, April 15,	5 years,	870 00	40 60	910 60
Mohawk Factory, trustees of,	1812, October 22,	5 years,	875 00	20 41	895 41
Mooers, Benjamin,	1809, August 10,	3 years,	2,025 00	167 34	2,192 34
Moore, Apollos,	1816, May 10,	2 years,	500 00	22 36	522 36
Moses, Israel, for part of the premises mortg'd. by Geo. McClure. [See "act for the relief of Geo. McClure," passed Feb. 19, 1825.]	1826, March 28,		420 00	51 61	471 61
Morse, Aaron,	1803, May 24,		202 87	17 12	219 99
Moseley, Charles,	1813, November 6,	2 years,	943 07	235 97	1,179 04
Murray, James,	1815, April 26,	2 years,	116 88	4 54	121 42
N.					
Noonen, George,	1819, February 15,	2 years,	300 00	18 37	318 37
Noonen, Thompson,	1815, June 29,	2 years,	954 45	60 55	1,015 00
O.					
Ogden, Isaac,	1815, August 7,	2 years,	1,000 00	97 80	1,097 80
do.	1816, January 28,	5 years,	250 00	16 13	266 13
Olcott, Josiah B.,	1817, March 10,	2 years,	872 33	46 46	918 79
Orleans county, loan towards the building court house and gaol, per act, ch. 89, of 1826. 1826, July 24, $3000. 1826, Oct. 5, $2000, (6 per cent.)		4 annual instalments,	1,651 11	64 52	1,715 63
Oxx, Jonathan,	1815, September 4,	2 years,	300 00	12 76	312 76
P.					
Pawling, Henry,	1819, March 18,	2 years,	800 00	40 59	840 59
Pawling, Levi and Henry,	1813, April 26,	2 years,	220 00	24 38	244 38
Peck, Christopher,	1816, January 11,	1 year,	500 00	33 92	533 92
Peterson, Zachariah,	1813, May 17,	2 years,	378 84	36 57	415 41
Phillips, John,	1809, February 22,	3 years,	700 76	29 84	730 60
Pier, Solomon,	1815, May 22,	2 years,	403 65	13 23	416 88
Platt, Nehemiah	1815, March 30,	2 years,	1,000 00	87 50	1,087 50
Platt, Samuel,	1815, May 5,	2 years,	405 89	17 53	423 42
Pond, Barnabas, for residue of loan to Clinton Woollen Manufacturing Society,	1812, July 1,	5 years,	500 00	17 50	517 50
Proudfit, Robert,	1806, December 30,		487 83	45 54	533 37
R.					
Randall, Nicholas P.,	1813, June 21,	2 years,	828 31	93 77	922 08
Rea, Peter,	1819, February 25,	5 years,	1,000 00	59 30	1,059 30
Reynolds, John P.,	1813, May 20,	2 years,	720 00	16 75	736 75
Robards, William,	1808, March 24,		454 33	19 15	473 48
Rogers, Matthew,	1814, June 17,	5 years,	1,410 00	51 34	1,461 34
Root, Erastus,	1807, December 30,		600 00	113 05	713 05
Rose, Ephraim,	1816, May 8,	2 years,	507 79	11 85	519 64

00	59 92	1,059 92
62	10 20	364 82
00	26 95	426 95
25	38 22	584 47
90	2 24	98 14
	[illegible]	176 64
99 67	$21,149 01	$206,448 68

[*Sig. U.*]

STATEMENT No. 2, (*Concluded.*)

MORTGAGORS.	DATE OF MORTGAGES.	WHEN PAYABLE.	BALANCE DUE 1 JAN. 1829. PRINCIPAL.	BALANCE DUE 1 JAN. 1829. INTEREST.	TOTAL AM'T. OF PRIN. & INT.
Rowland, Isaac,	1817, June 21,		1,118 53	41 12	1,159 65
do.	1817, June 21,		2,539 47	93 30	2,632 77
S.					
Sanford, Reuben, remainder of Pliny Miller's loan,			93 00	8 93	101 93
Sargent, Isaac,	1816, June 4,	2 years,	253 60	8 12	261 72
Scrymser, James,	1815, July 11,	2 years,	500 00	9 72	509 72
Seymour, Billy,	1815, September 19,	2 years,	1,000 00	68 14	1,068 14
Shanks, Archibald,	1813, June 3,	2 years,	600 00	107 15	707 15
Shepard, David and Horace,	1819, February 11,	2 years,	350 00	37 20	387 20
Sherrill, Darius,	1818, June 30,	2 years,	500 00	52 50	552 50
Shuler, John,	1819, March 30,	2 years,	152 20	9 09	161 29
Smith, Ebenezer,	1816, January 19,	2 years,	857 14	19 98	877 12
do Israel,	1814, February 22,	1 year,	800 00	67 66	867 66
do Nathan,	1807, April 1,		1,000 00	49 39	1,049 39
do Stoddard,	1813, May 12,	2 years,	942 38	113 67	1,056 05
do William,	1813, December 14,	2 years,	1,000 00	143 11	1,143 11
do do	1814, May 14,	3 years,	225 59	14 14	239 73
Snook, William H.,	1814, September 8,	2 years,	600 00	72 06	672 06
Spafford, Horatio G. and Stearns, John,	1814, June 11,	4 years,	3,000 00	2,759 93	5,759 93
Spencer, Nathaniel,	1819, March 17,	2 years,	350 00	12 25	362 25
Squire, Clark,	1819, February 16,	2 years,	250 00	15 26	265 26
Starkweather, Seth,	1815, May 29,	2 years,	700 00	31 22	731 22
Stearns, Jasiel,	1818, July 11,	2 years,	300 00	30 85	330 85
Stevens, John,	1813, August 4,	3 years,	382 72	24 38	407 10
Stewart, Silas,	1813, June 5,	2 years,	324 66	29 86	354 52
do Thomas,	1810, February 23,	3 years,	100 44	9 91	110 35
Stilwell, Stephen,	1813, June 21,	2 years,	714 28	61 08	775 36
Stone, Ethan, jun.,	1819, January 29,	2 years,	600 00	38 61	638 61
do Abner,	1809, September 7,	3 years,	405 00	10 21	415 21
Storm, Stephen,	1819, February 22,	5 years,	1,000 00	59 92	1,059 92
Stowell, Israel,	1815, October 17,	2 years,	354 62	10 20	364 82
Swart, Bartholomew,	1815, February 21,	2 years,	400 00	26 95	426 95
do Josias,	1809, September 26,	3 years,	546 25	38 22	584 47
T.					
Tillinghast, Catharine,	1810, February 2,	3 years,	95 90	2 24	98 14
do Charles, part of Catharine Tillinghast's loan,	1825, June 10,		159 48	17 16	176 64
do Martha and Mary, part of said Catharine's loan,	1825, June 10,		61 37	6 60	67 97
Tillotson, Thomas,	1804, May 2,	5 years,	1,500 00	47 46	1,547 46
Todd, Stephen,	1813, June 26,	2 years,	922 75	76 63	999 38
Tunecliff, John W. and Cornelius,	1816, May 24,	2 years,	500 00	21 00	521 00
Tyler, Josiah, (Rutland Woollen Factory,)	1814, July 21,	6 years,	626 47	92 70	719 17
U.					
Underwood, Henry,	1814, December 31,	2 years,	356 82	38 49	395 31
V.					
Van Buren, Lawrence,	1817, May 8,	6 years,	1,000 00	115 11	1,115 11
Van Buren, Martin,	1819, February 3,	2 years,	1,000 00	.....	1,000 00
Van Guilder, Stephen,	1809, August 23,	3 years,	346 71	13 75	360 46
Vaughn, Asahel,	1819, February 3,	2 years,	500 00	70 79	570 79
Van Schellyne, Derrick and Elias Kane,	1819, April 20,	6 years,	900 00	12 07	912 07
W.					
Walker James,	1816, October 4,	2 years,	400 00	90 68	490 68
do.	1818, December 17,	2 years,	400 00	85 00	485 00
Wardwell, Daniel,	1815, January 7,	2 years,	929 76	87 17	1,016 93
Wardwell, Samuel,	1815, January 18,	2 years,	1,000 00	114 83	1,114 83
Warner, James,	1815, August 29,	2 years,	600 00	16 11	616 11
Waters, Amasa,	1819, March 31,	2 years,	342 00	18 82	360 82
Waterman, Henry,	1815, March 3,	2 years,	900 00	20 99	920 99
Watkins, Samuel,	1813, May 19,	2 years,	496 19	31 29	527 48
Whallon, Reuben,	1810, January 19,	3 years,	250 00	34 08	284 08
Whiting, John, (loaned per act of 1813, ch. 185: secured by Elisha Williams, bond and mortgage payable in 5 years.)	1815, April 18,	5 years,	3,000 00	1,467 00	4,467 00
Wilkin, James W.,	1813, May 20,	2 years,	899 50	75 78	975 28
Willkey, Cornell,	1816, February 12,	2 years,	300 00	39 55	339 55
Wilson, John, 2d,	1815, July 7,	2 years,	1,000 00	33 64	1,033 64
Winne, Peter F.,	1818, December 24,	2 years,	250 00	18 79	268 79
Wood, Jasper,	1809, November 22,	3 years,	817 53	122 94	940 47
Woodworth, John,	1815, February 11,	2 years,	1,000 00	62 03	1,062 03
Y.					
Yates, Christopher C.,	1816, April 2,	2 years,	1,000 00	52 11	1,052 11
			$185,299 67	$21,149 01	$206,448 68

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom was referred by the honorable the Assembly the petition of Joseph E. Smith & Co. respectfully report:

That the petitioners represent that they were contractors on the Oswego canal; that in consequence of an extraordinary sickness and mortality which prevailed along the line of the canal, and particularly on the section embraced by their contract, they sustained severe losses in the enhancement of the price of labor; that the canal board have not authority, under existing laws, to make them compensation for losses arising from sickness; and they therefore pray the legislature for a law, empowering the canal board to settle their claims for losses resulting from this cause, on equitable grounds, or for such other relief as may be deemed just and expedient.

The petitioners were contractors for sections 4 and 5. The whole amount of their work, at the contract prices, was $8,827 42. They have been allowed by the canal board, over and above this sum, on the ground that the work proved to be of a different character and description than was anticipated, the sum of $5,060 68. But nothing has been allowed them for the losses they sustained by the providential visitation alluded to in their petition. The terrible malady which prevailed on the canal line, was perhaps more fatal on this job than on any other. It is said that about fifty laborers who were employed on this job, lost their lives, besides the numbers of others who in many instances recovered from the sickness with impaired constitutions.

The canal board have decided that they have no power to remunerate for losses occasioned by sickness; and if this power were conferred upon them, its exercise would probably be attended with great embarrassments and difficulties. Would not the widows and children of the poor laborers whose death had deprived them of support, be entitled to as much sympathy as the contractors whose funds had been exhausted by the enhanced price of labor?

In behalf of the Canal Commissioners,
HENRY SEYMOUR.

March 3, 1829.

Ordered, That the said petition, together with the preceding communication, be referred to the committee on canals and internal improvements.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act authorising a loan to the Rochester high school."

Mr. Hascall offered for the consideration of the house, a resolution, with a recital, in the words following, to wit:

Whereas the committee on banks, of the Senate, have reported on the subject of banks; and whereas the committee on banks, of the Assembly, have done the same; and whereas neither the Senate nor the Assembly have made any progress towards the accomplishment of the desired object;

Therefore,

Resolved, (if the Senate concur herein,) That a joint committee of both houses be appointed, whose duty it shall be to review the said reports, and to devise some reasonable and proper system, upon which the charters of old banks shall be renewed, and new banks chartered; and that they report the same to this house.

Ordered, That the said resolution be laid upon the table.

In pursuance of previous notice, Mr. Randall asked for and obtained leave to bring in a bill entitled "An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9, 1829;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Redfield have leave of absence for eight days, Mr. Bostwick for eight days, and Mr. Noble for ten days.

Ordered, That the bill entitled "An act concerning the Watervliet turnpike company," together with the remonstrance against the passage of that bill, be re-committed to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

On motion of Mr. Brinkerhoff,

Resolved, That the attorney-general be requested to report to this house, what measures, in his opinion, are proper to be pursued in relation to William L. Perce, confined in the jail of the county of Cayuga, on a suit in behalf of the people of this state.

Ordered, That the engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the county of Onondaga," be restored to its original number on the general order.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Skeneateles academy;" the bill entitled "An act declaring the Ancram turnpike road a public highway," and the bill entitled "An act relative to the National insurance company;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the Skeneateles academy." was referred to a select committee, consisting of Mr. Jenkins, Mr. Skinner and Mr. L. Smith; the bill entitled "An act declaring the Ancram turnpike road a public highway," was referred to a select committee, consisting of Mr. H. W. Livingston, Mr. Holdridge and Mr. Burt; and the bill entitled "An act relative to the National insurance company," was referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Mallory and Mr. Myers; severally to consider and report thereon.

The Senate returned, by their clerk, the bill entitled "An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome."

Ordered, That the clerk deliver the said bill to the Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act providing for the payment of damages to real estate, in consequence of breaches in the canals of this state," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read,

Ordered, That the same be referred to a select committee, consisting of Mr. Johnson, Mr. Armstrong and Mr. Tower.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That the usual number of copies of the amendment offered by Mr. Speaker while in committee of the whole on the said bill, be printed for the use of the legislature.

Ordered, That Mr. Carrier have leave of absence for ten days.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, MARCH 4, 1829.

The House met pursuant to adjournment.

The petition of the trustees of the Buffalo high school association, praying for an amendment of their charter, was read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of the Buffalo high school association, praying for a loan of money from the state, was read, and referred to the committee on colleges, academies and common schools.

The petition of Thomas Goodsell and others, a committee on the part of the citizens of the village of Utica, praying that the said village may be incorporated as a city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of Otto William Van Tuyl and others, praying to be incorporated into a company, under the name and style of the Franklin coal and manufacturing company, with a capital of $500,000, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Daniel Holmes and others, inhabitants of the town of Springwater in the county of Livingston, praying that the canal commissioners may be directed to remove the dam at the foot of Hemlock lake in said county, was read, and referred to the canal commissioners.

The petition of sundry inhabitants of the counties of Montgomery and Greene, praying for the incorporation of a company with a capital of $500,000, for the purpose of constructing a rail-road from Canajoharie to Catskill, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Joseph Mather, praying to be compensated for money expended in defending the title to a lot of land in the town of Pompey in the county of Onondaga, belonging to the people of this state, was read, and referred to the committee on claims.

The memorial of sundry inhabitants of the county of Tompkins, praying for the renewal of the charter of the Bank of Newburgh, and for a continuation of its branch at Ithaca, was read, and referred to the committee on the incorporation and alteration of charters of banking and insurance companies.

Mr. Johnson, from the committee on canals and internal improvements, on the petition of Daniel M'Inroy, praying that the canal board may be directed to re-examine his claim for relief, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act for the relief of Daniel M'Inroy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Holdridge, from the committee on the judiciary, to which was referred the petition of Samuel Jackson, praying for a law to be passed releasing all claim on the part of the state to a certain lot in the village of Brooklyn, in Kings county, reported:

That as appears from the petition of Samuel Jackson, on or about the sixth day of July, in the year one thousand eight hundred and twenty-six, he sold and conveyed to John Seaman and Hugh Morrison, of the village of Brooklyn, a lot of land in said village, twenty-five feet wide front and rear, and ninety-seven feet and six inches deep on each side, for the sum of $1,000, and received from them their joint bond and mortgage on the said premises, to secure the whole of said sum; that subsequent, the said Seaman and Morrison, having commenced building a dwelling-house, and being in want of funds to proceed with the same, applied to the said Samuel Jackson for a further loan, who loaned to the said Seaman and Morrison the further sum of $800, and took a second mortgage on the same premises, as security for the last loan of $800; that the

principal and interest of both the foregoing bonds and mortgages, remain unpaid.

The petitioner further states, that the said John Seaman and others, claiming a lien on said premises, have filed their bill in chancery, and made the petitioner, Samuel Jackson, one of the defendants in said suit.

The petition further states, that the said bill in chancery alleges that Hugh Morrison, one of the above named mortgagors, was an alien at the time of the aforesaid conveyance, of which fact Samuel Jackson, the petitioner, has no knowledge, excepting what is derived from the bill in chancery.

The petitioner further states, that he is informed that the said Hugh Morrison has left the state.

It does not appear from the petition, who are the parties complainants in the bill in chancery, with John Seaman; but from a letter handed to the committee, they derive the information that it must have been the joiners, masons, and other workmen engaged in putting up the buildings upon the mortgaged premises.

Upon the above statement, the petitioner prays the legislature to enact a law declaring that the right of the people of the state may not be suffered to interfere with the liens of the said Samuel Jackson, the petitioner.

The committee are of opinion, from the foregoing statement of facts, that the people of the state have no lien upon the lands conveyed by Samuel Jackson, the petitioner. to John Seaman and Hugh Morrison, and mortgaged by the said Seaman and Morrison to the petitioner; nor is there any satisfactory proof to the committee, that the said Morrison is an alien; but if he is, the committee are of opinion that the said Samuel Jackson, the petitioner, has his remedy at law or in equity.

The committee therefore ask leave to introduce the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed from the Senate, entitled "An act relative to the National insurance ccmpany," reported, that they have examined the said bill, prepared certain amendments thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendments be committed to a committee of the whole house.

A communication from the president of the Brooklyn Savings Bank, was read, in the words following, to wit:

Pursuant to the act incorporating the Brooklyn Savings Bank, the managers beg leave to make their second annual report, which is as follows:

That they have received, during the period from the 1st of January to the 31st of December 1828, from 247 depositors, the sum of $16,184.52, viz:

In January,	20 deposits,	.....	$1,450 00
February,	31 "	.....	1,239 00
March,	48 "	.....	1,811 00
April,	34 "	.....	1,292 00
May,	43 "	.....	1,238 00
June,	49 "	.....	1,710 00
July,	36 "	.....	1,576 52
August,	36 "	.....	859 00
September,	27 "	.....	553 00
October,	27 "	.....	2,189 00
November,	20 "	.....	825 00
December,	35 "	.....	1,442 00
	406 deposits.		$16,184 52

Of which, 115 are new accounts, and 291 re-deposits.

That the sum of $7,837.76 has been paid to 115 depositors, 57 of whose accounts are closed; and that the sum of $7,035.06 is invested in U. S. stock, as will appear by the treasurer's account herewith.

That the deposits have been made by persons of the following occupations and descriptions:

Blacksmith,	1	Mantua-makers,	2
Bookbinders,	5	Market woman,	1
Bakers,	2	Ostler,	1
Coachmaker,	1	Pewterers,	2
Chamber-maids,	2	Porter-house keeper,	1
Carpenters,	3	Printer,	1
Cooks,	2	Porter,	1
Cartman,	1	Ropemaker,	1
Dressmakers,	2	Sawyer,	1
Domestics,	4	Seaman,	1
Distillers,	6	Seamstresses,	5
Dressmaker,	1	Storekeepers,	4
Farmers,	5	Servants,	3
Grocers,	2	Shoemakers,	8
Glass-blower,	1	Sail-makers,	1
Hatters,	2	Tailors,	3
Housekeeper,	1	Tanners,	2
Labourers,	30	Tavern-keeper,	1
Masons,	4	Teachers,	3
Millers,	2	Waiters,	2
Marine,	1	Whip-makers,	2
Milkmen,	2		
Minor males,	16	Apprentices,	5
" females,	15	Widows,	9
Trustees,	23	Coloured persons,	3
Single women,	22		

And that the deposits have been made in the following sums:

From $1 to 5,	122	From $90 to 100,	9
5 " 10,	56	100 " 200,	20
10 " 20,	66	200 " 300,	7
20 " 30,	35	300 " 400,	1
30 " 40,	24	400 " 500,	2
40 " 50,	28	700,	1
50 " 60,	16	1000,	1
60 " 70,	9		41
70 " 80,	6		365
80 " 90,	3		406
	365		

All of which is most respectfully submitted,

A. V. SINDEREN, *President.*

JAMES S. CLARK, *Secretary.*

Brooklyn, January 6, 1829.

The Brooklyn Savings Bank in account with Abraham Vanderveer, Treasurer.

DR.

1828, Jan.	To cash paid depositors, ...				$93 50
Feb.	" "				290 69
	" expenses, ...			11 34	
Mar.	" for U. S. 6 per cent. sock,	1,012 50			
	" depositors, ...				959 75
Apl.	" "				404 87
May.	" for U. S. 6 per cent. stock,	3,535 06			
	" depositors,.....				1,058 88
June.	" expenses..			10 19	
	" depositors, ...				917 00
July.	" "				884 42
Aug.	" "				1,110 43
Sep.	" "				602 00
Oct.	" "				500 72
Nov.	" "				342 00
	" expenses, ...			41 67	
Dec.	" depositors.....				673 50
	" for U. S. 4½ per ct. stock,	3,500 00			
		$8,047 56		63 20	8,110 76
1829, Jan. 5.	Balance carried down, ...				11,961 98
					$27,910 50

CR.

1828, Jan. 5.	By bal. acc. as rendered,.....				$9,939 68
	cash received from depost. .				1,450 00
Feb.	" " " ..				1,239 00
Mar.	" " " ..				1,811 00
Apl.	" " " ..				1,292 00
	" interest on stock, .			15 00	
May.	" from depositors, ..				1,228 00
June.	" " ..				1,710 00
	" pay't U. S. stock, .	1,000 00			
July.	" int. from L. I. bank,			263 98	
	" " on stock,.....			67 50	
	" from depositors, ..				1,576 52
Aug.	" " ..				859 00
Sep.	" " ..				553 00
Oct.	" " ..				2,189 00
Nov.	" " ..				825 00
	" interest on stock,.			52 50	
Dec.	" from depositors,..				1,442 00
1829, Jan.	" int. from L. I. b'k.,			305 45	
	" " on stock, ...			91 87	
		$1,000 00		796 30	1,796 30
					$27,910 50

1829, Jan. 5. By balance brought down, being cash in bank, ... $11,961 98

Errors excepted.

ABM. VANDERVEER, *Treas'r.*

Brooklyn, January 5th, 1829.

Ordered, That the same be laid upon the table.

The annual report of Nicholas Anthony, an inspector of sole leather for the city and county of New-York, was read, in the words following, to wit:

Statement of the amount of sole leather inspected by me, Nicholas Anthony, from January 1828, to January 1829; with the quality; the average weight of each side; also the value per pound, as near as could be ascertained by sales at auction, and the statements of the price current.

Quality.	No. of Sides.	Weight Per Side.	Value per lb.
Best,.....	1,027	16 lb.	$0 26
Good, ...	44,482	13 lb.	0 20
Damaged,.....	4,534	11 lb.	0 13
	50,043		

Total number of sides inspected, 50,043.

Fees for inspecting, 2 cents per side,.....$1,000 86

Wages for hire, ... 150 00

Balance,..... $850 86

NICHOLAS ANTHONY.

Ordered, That the same be laid upon the table.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom the honorable the Assembly have referred the petition of sundry inhabitants of the counties of Erie and Niagara, residing on the borders of the Tonewanta creek, report:

That the petitioners represent that they reside along that portion of the Tonewanta creek which forms a part of the navigation of the Erie canal; that the dam erected by the canal commissioners, at the mouth of the creek, has raised the water about four feet above its former level, and has overflowed the adjoining lands, which are low and level, and has rendered them unfit for cultivation. They also represent, that this inundation afflicts them with sickness, and will, if not prevented, drive them from their possessions. They therefore pray the legislature to adopt such measures as will obviate these evils.

The country along the Tonewanta creek and its vicinity, is low and swampy, and has ever been subject to inundations and to sickness in summer and autumn. But it is probable that these evils have been augmented by the erection of the above mentioned dam, and the consequent elevation of the water for several miles above it.

The water, during the last year, has been uncommonly high, and has overflowed the land to a considerable extent. This has been occasioned by the extraordinary rains of the last summer, and also by the manner in which the dam was originally built, which did not admit of a reduction of its surface in times of high water. The upper part of this work has since been re-constructed in such manner as to admit of its reduction during floods. This will in some measure obviate the evils of which the petitioners complain. But the dam cannot be lowered during the dry season, or when it is requisite to draw water from Lake Erie. It is necessary to keep it at its present height in time of low water, in order to preserve the declivity which has been given to the canal, for the purpose of sending the water towards Rochester and the Seneca river.

It is believed that the evils complained of by the petitioners cannot be entirely obviated, without abandoning a considerable part of the navigation of the Tonewanta creek, and substituting other works at great expense.

Respectfully submitted,

In behalf of the canal commissioners,

HENRY SEYMOUR,

March 3d, 1829.

Ordered, That the said petition, together, with the preceding communication, be referred to the committee on canals and internal improvements.

The house then proceeded to the consideration of the report of the committee of the whole on the bill entitled "An act authorising the construction of the Chenango canal," the said report being that the committee had disagreed to first enacting clause of the said bill.

Mr. Johnson made a motion that the house should agree to amend the said report, by inserting, after the title of the said bill, the words following, to wit:

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The canal commissioners are hereby authorised and required to proceed with all practicable diligence, to construct and complete a canal from Binghamton, in the county of Broome, up the valley of the Chenango river, to its head waters, and thence through the vallies of the Oriskany and Sawquoit creeks, to the Erie canal, at or near the village of Utica.

§ 2. But before said commissioners shall proceed to construct said canal, they shall cause an examination, surveys, levels and estimates to be made, by a competent engineer, to determine whether a canal from Cleaveland's mill, along the north side of the Oriskany creek, in the town of Madison, and thence in the valley of Skenando creek, through the town of Augusta, to Vernon, and thence to some point on the Erie canal, is practicable and would be more for the interest of the state to construct, than the route through the vallies of the Oriskany and Sawquoit creeks; and if, after such examination, the commissioners shall be of opinion that it would be more for the interest of the state to adopt such route for the canal, than that of the Oriskany and Sawquoit, then they shall construct the same in the valley of the Skenando, instead of the valley of the Oriskany.

§ 3. The canal shall be constructed of the same width and depth as the Erie canal, and the locks shall be made of wood, supported by stone walls, in the manner recommended by Mr. Hutchinson, engineer, in the report of his survey, made during the fall of 1827, and presented to the legislature during the last session.

§ 4. The commissioners of the canal fund shall, from time to time, borrow, on the credit of the state, at an interest not exceeding five per cent., such sum or sums of money as shall be necessary to construct said canal, in amount not exceeding dollars; for which monies, certificates of stock shall be issued, in the manner directed in and by the act entitled "An act to improve the funds and provide for the redemption of the funded debt of this state."

§ 5. All tolls to be collected upon the canal to be constructed by virtue of this act, are hereby appropriated and pledged for the interest and final liquidation of the principal of such sums borrowed; and such tolls shall at no time be less than those which now are, or hereafter may be, established by law, on the Erie and Champlain canals.

§ 6. Such canal shall be known by the name of "The Chenango Canal."

§ 7. The acting canal commissioner shall not proceed to construct said canal unless they shall be first satisfied, by actual survey and estimates, that there will be an adequate supply of water for the summit level, without taking any of the waters of either the Oriskany or Sawquoit creeks, and that the cost of the construction of said canal will not exceed one million of dollars; and also that said canal will produce to the state, in connection with the increased tolls on the Erie canal, in nett proceeds for the first ten years after its construction, four per cent. annually, upon the cost of its construction.

§ 8. For the purpose of ascertaining the practicability, cost and nett proceeds of said canal, the said commissioners shall cause the route of said canal to be carefully and fully surveyed, and estimates of the probable amount of revenue to be derived therefrom, to be made as early in the ensuing summer as practicable.

On motion of Mr. J. Van Beuren,
Ordered, That the said report and amendments be laid on the table.

Ordered, That the usual number of copies of the said amendment be printed for the use of the legislature.

Ordered, That Mr. Ives have leave of absence for six days, and Mr. Boynton for ten days.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the report of the canal commissioners on the petition of Joseph E. Smith and others, praying for the passage of a law to empower the canal board to settle the claims of the petitioners for compensation for labour performed on the Oswego canal; and that the said report, together with the petition, be referred to the committee on grievances.

The house then proceeded to the consideration of the report of the committee on colleges, academies and common schools, on the petition of the trustees of Remsen academy in the county of Oneida, as entered on the Journal of Friday the 20th of February last.

Thereupon,

The resolution reported by the committee was again read, in the words following, to wit:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act providing for the payment of damages to real estate, in consequence of breaches in the canals;" one of the said amendments being to amend the title, by adding thereto the words "and for other purposes."

The said bill and amendments were read; and the amendments having been again read, and concurred in,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Ordered, That the report of the committee of the whole on the bill entitled "An act to incorporate the village of Brockport," be referred to a select committee, consisting of Mr. Skinner, Mr. Garbutt and Mr. Hubbell.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the appraisement of damages sustained by Benjamin Cook;" and that the said Benjamin Cook have leave to withdraw the said bill, and the documents accompanying the same.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, MARCH 5, 1829.

The House met pursuant to adjournment.

The petition of sundry builders and mechanics of the village of Lockport, praying for the passage of an act giving them a lien on buildings erected by them, the better to secure them remuneration for their labor and materials, was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of an act authorising them to raise by tax the sum of $450,000, was read, and referred to a select committee, consisting of the members attending this house from the city and county of New-York.

The petition of Asa Phillips, praying for the passage of an act authorising him to construct a turnpike from the village of Oswego, to a certain point in the county of Onondaga, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Elenor Trussell, of the city of New-York, an alien, praying for the passage of a law to enable her to take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The memorial of sundry inhabitants of the county of Orange, praying for a certain amendment of the law imposing a tax on dogs, was read, and referred to the committee on agriculture.

The petition of the trustees of the village of Saratoga-Springs, praying for a certain amendment to the act incorporating that village. was read, and referred to the committee on the incorporation of cities and villages.

Mr. Morell. from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Smyrna, praying for the passage of a law to incorporate said village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to incorporate the village of Smyrna in the county of Chenango;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the towns of Verona and Rome in the county of Oneida. praying for the incorporation of a company for the purpose of constructing a certain road, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Rome and New-London turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of the trustees of the Buffalo high school association. praying for an amendment to their act of incorporation, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jenkins, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Skaneateles academy," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. H. W. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act declaring the Ancram turnpike road a public highway," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Al Burtis, from the select committee to which was committed the bill entitled "An act to incorporate the New-York African Clarkson association," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed

The Senate returned, by their clerk, the bill entitled "An act providing for the payment of damages to real estate, in consequence of breaches in the canals of this state, and for other purposes."

Ordered, That the clerk deliver the said bill to the Governor.

On motion of Mr. Falley,

Resolved, That the comptroller be, and he is hereby requested to furnish to this house, a copy of the original contract made by one of the canal commissioners, with Cady, Case & Co. for the construction of sections Nos. 6, 7 and 12, of the Oswego canal; the petition of the said Cady, Case & Co. to the canal board, for an extra allowance for work done on the said sections; the evidence adduced to the board on that application, and the determination and order of the said board on the said application: And also that he be, and is hereby requested to furnish to this house, a copy of the petition of John H. Lameon, Manley Vickory and Amos Mace, presented to the canal board, for an extra allowance on the said section No. 6; and the determination or order of the said board on the said last mentioned petition.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the erection of a free bridge across the Chenango river in the town of Chenango in the county of Broome."

"An act providing for the payment of damages to real estate, in consequence of breaches in the canals of this state, and for other purposes."

MARTIN VAN BUREN.

Albany, March 5, 1829.

The house then proceeded to the consideration of the motion of Mr. Johnson to amend the report of the committee of the whole on the bill entitled "An act authorising the construction of the Chenango canal," as entered on the Journal of yesterday; the said amendment being amended by the house, was read, in the words following, to wit:

§ 1. The canal commissioners are hereby authorised and required to proceed with all practicable diligence, to construct and complete a canal from Binghamton, in the county of Broome, up the valley of the Chenango river, to its head waters, and thence through the vallies of the Oriskany and Sawquoit creeks, to the Erie canal, at or near the village of Utica.

§ 2. But before said commissioners shall proceed to construct said canal, they shall cause an examination, surveys, levels and estimates to be made, by a competent engineer, to determine whether a canal from Cleaveland's mill, along the north side of the Oriskany creek, in the town of Madison, and thence in the valley of Skenando creek, through the town of Augusta, to Vernon, and thence to some point on the Erie canal, is practicable and would be more for the interest of the state to construct, than the route through the vallies of the Oriskany and Sawquoit creeks; and if, after such examination, the commissioners shall be of opinion that it would be more for the interest of the state

to adopt such route for the canal, than that of the Oriskany and Sawquoit, then they shall construct the same in the valley of the Skenando, instead of the valley of the Oriskany.

§ 3. The canal shall be constructed of the same width and depth as the Erie canal, and the locks shall be made of wood, supported by stone walls, in the manner recommended by Mr. Hutchinson, engineer, in the report of his survey, made during the fall of 1827, and presented to the legislature during the last session.

§ 4. The commissioners of the canal fund shall, from time to time, borrow, on the credit of the state, at an interest not exceeding five per cent., such sum or sums of money as shall be necessary to construct said canal, in amount not exceeding one million of dollars; for which monies, certificates of stock shall be issued, in the manner directed in and by the act entitled "An act to improve the funds and provide for the redemption of the funded debt of this state."

§ 5. All tolls to be collected upon the canal to be constructed by virtue of this act, are hereby appropriated and pledged for the interest and final liquidation of the principal of such sums borrowed; and such tolls shall at no time be less than those which now are, or hereafter may be, established by law, on the Erie and Champlain canals.

§ 6. Such canal shall be known by the name of "The Chenango Canal."

§ 7. The canal commissioners shall not proceed to construct said canal, unless they shall be first satisfied, by actual survey and estimates, that there will be an adequate supply of water for the summit level, without taking any of the waters of either the Oriskany or Sawquoit creeks, and that the cost of the construction of said canal will not exceed one million of dollars; and also that said canal will produce to the state, in connection with the increased tolls on the Erie canal, after paying interest upon cost, repairs, and expense of attendance, for the first ten years after its construction, four per cent annually upon the cost of its construction.

§ 8. For the purpose of ascertaining the practicability, cost and nett proceeds of said canal, the said commissioners shall cause the route of said canal to be carefully and fully surveyed, and estimates of the probable amount of revenue to be derived therefrom, to be made as early in the ensuing summer as practicable.

§ 9. If the canal commissioners shall be of opinion that the cost of the construction of said canal will exceed one million of dollars, or that there shall not be a sufficiency of water, or that it will not produce a revenue of four per cent on the cost of its construction, over and above interest, repairs and attendance, they shall report to the next legislature their surveys and estimates.

Thereupon,

Mr. Mann made a motion that the house should agree to amend the amendment offered by Mr. Johnson. by striking out the whole of the same after the words "do enact as follows," and inserting in lieu thereof the words following, to wit:

§ 1. The canal commissioners are hereby directed to cause a minute and accurate survey and estimate of the cost of constructing a canal, of the dimensions of the Erie canal, from the village of Binghamton in the county of Broome, through the valley of the Chenango river, to the Erie canal at or near the village of Utica; and that they make a full and detailed report of a working survey and estimate of said canal, to the next legislature, together with their opinion, and the facts upon which it is founded, as to the practicability of constructing said canal, and the amount of revenue to be derived therefrom.

§ 2. The reasonable expenses incurred in making such surveys and estimates, shall be audited and allowed by the comptroller, and paid out of the treasury of this state.

And also to strike out the title of the said amendment, and inserting instead thereof the words following, to wit:

"An act authorising the survey of a canal from Chenango point, up the valley of the Chenango river, to the Erie canal at or near Utica."

Debates were had upon the said motion of Mr. Mann; end the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 52}
{AYES 49}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Austin	Mr. P. C. Fuller	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. W. K. Fuller	Mr. C. L Livingston	Mr. Speaker
Mr. C. Baker	Mr. Garbutt	Mr. Mallory	Mr. Spier
Mr. Bradish	Mr. Gardiner	Mr. J. M'Donold	Mr. Stanton
Mr. Burt	Mr. Garnsey	Mr. M'Niel	Mr Starr
Mr. Case	Mr. Goodman	Mr. Mixer	Mr. Titus
Mr. Chandler	Mr Graves	Mr. Paige	Mr. Tower
Mr Defreest	Mr. Gross	Mr. Partridge	Mr. P. Van Beuren
Mr. Dickson	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler
Mr. Eldridge	Mr. Heermans	Mr. Randall	Mr. White
Mr. Fi lmore	Mr. Holdridge	Mr. Savage	Mr. Willey
Mr. Fleming	Mr. Hubbell	Mr. Sill	Mr. Williams
Mr. Franklin	Mr. Johnson	Mr. Skinner	Mr. Young 52

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hedges	Mr. Sheppard
Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. Sloughter
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. A. Smith
Mr. Baragar	Mr. Edgerton	Mr. Judd	Mr. L. Smith
Mr. Barnet	Mr. Efner	Mr. H.W. Livingston	Mr. Soper
Mr. Brinkerhoff	Mr. Falley	Mr. Mandeville	Mr. Tailor
Mr. Brown	Mr. Fowler	Mr. Mann	Mr. J. Van Beuren
Mr. Cargill	Mr. Gosman	Mr. M'Crea	Mr. Van Wyck
Mr. Collier	Mr. Graham	Mr. Morell	Mr. Waring
Mr. Curtiss	Mr. J. Hall	Mr. Myers	Mr. Waugh
Mr. Dana	Mr. Hammond	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Hascall	Mr. Seeley	Mr. Wyckoff
Mr. Dayton			49

Thereupon,

Debates were had upon the said motion of Mr. Johnson; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 58}
{NAYS 42}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Fleming	Mr. Lindsley	Mr. Skinner
Mr. Arnold	Mr. Franklin	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Austin	Mr. P. C. Fuller	Mr. H.W. Livingston	Mr. Speaker
Mr. Bailey	Mr. W. K. Fuller	Mr. Mallory	Mr. Spier
Mr. C. Baker	Mr. Garbutt	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. Gardiner	Mr. J. M'Donald	Mr. Starr
Mr. Barnett	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Tower

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Mr. Burt	Mr. Graves	Mr. Paige	Mr. P. Van Beuren
Mr. Case	Mr. Gross	Mr. Patridge	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Phoenix	Mr. White
Mr. Defreest	Mr. Heermans	Mr. Randall	Mr. Willey
Mr. Dickson	Mr. Holdridge	Mr. Savage	Mr. Williams
Mr. Eldridge	Mr. Hubbell	Mr. Sill	Mr. Young
Mr. Fillmore	Mr. Johnson		58

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jones	Mr. A. Smith
Mr. Allison	Mr. Edgerton	Mr. Judd	Mr. L. Smith
Mr. Brown	Mr. Falley	Mr. Mann	Mr. Soper
Mr. Cargill	Mr. Fowler	Mr. M'Crea	Mr. Tailor
Mr. Collier	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Curtiss	Mr. Graham	Mr. Myers	Mr. Van Wyck
Mr. Dana	Mr. J. Hall	Mr. Sanford	Mr. Waring
Mr. Davenport	Mr. Hammond	Mr. Seeley	Mr. Waugh
Mr. Dayton	Mr. Hascall	Mr. Sheppard	Mr. Williamson
Mr. Dean	Mr. Hedges	Mr. Sloughter	Mr. Wyckoff
Mr. Dyckman	Mr. Jenkins		42

In further proceeding upon the report of the committee of the whole,
On motion of Mr. Holdridge,
The House adjourned until ten o'clock to-morrow morning.

FRIDAY, MARCH 6, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of an act incorporating a company to construct a turnpike from the village of Saratoga-Springs to Waterford, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the trustees and inhabitants of the village of Gibbonsville, praying certain amendments to their charter, in relation to the granting of licenses, and also relative to their firemen, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the city of Troy, against the termination of the proposed turnpike from Albany to Watervliet, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Two several remonstrances of sundry inhabitants of the towns of Petersburgh and Pittstown in the county of Rensselaer, against the passage of a law to authorise the construction of a turnpike from Troy to Bennington, were read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry proprietors of lands lying along the East river in the county of Westchester, praying for the passage of a law to secure to them the use of oysters planted opposite to their lands, was read, and referred to a select committee, consisting of Mr. Davenport Mr. Jones and Mr. Wyckoff.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law to regulate the admeasurement of wood and timber in said county, was read, and referred to a select committee, consisting of Mr. Wheeler, Mr. Spier and Mr. Armstrong.

The petition of James E. Jones and others, inhabitants of the town of Cameron in the county of Steuben, praying for the passage of a law to authorise them to construct a dam across the Canisteo river, was read, and referred to a select committee, consisting of Mr. Phœnix, Mr. Graves and Mr. Fitch.

The petition of Joseph Lancaster, praying for certain pecuniary aid to enable him to establish a school for the education of teachers, was read, and referred to the committee on colleges, academies and common schools.

The petition of James Milroy, an alien, praying that he may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of the president and directors of the St. Lawrence turnpike road company, praying for the passage of an act authorising them to abandon their road, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act repealing the act incorporating the St. Lawrence turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Livingston, praying that the supervisors of said county may be authorised to raise money to build a certain bridge, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the board of supervisors of the county of Livingston to raise money to build a bridge over Genesee river, at Squakie Hill;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Randall, from the select committee to which was referred the petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law authorising the appointment of inspectors of wood and timber in said county, reported:

That upon the examination of the subject referred to them, the following facts appear:

Great quantities of wood and timber are furnished by the inhabitants living on both sides of the canal in the county of Montgomery, in pursuance of contracts made with them by persons residing in the vicinity of the canal, and that this kind of traffic constitutes an important item of trade and transportation on the Erie canal. The wood and timber so contracted for and purchased, is generally designed for, and conveyed in boats to the Schenectady and Albany markets. As between the contracting parties, upon the banks of the canal and at the places designated for the delivery of the wood and timber, such inspectors may be important, and may prevent the occurrence of frequent litigations and differences in relation to the quality and quantity of the timber and wood so contracted for and delivered, the committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted, and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Randall, according to leave, brought in the said bill, entitled "An act to authorise the appointment of inspectors of wood and timber in the county of Montgomery;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Mann,

Resolved, That the committee on claims be discharged from the further consideration of the petition and documents of Joseph Mather, praying for remuneration of his expenses in defending the title to a certain lot of land, and that the same be referred to the commissioners of the land-office; and that they be

requested to report to this house their opinion on the equity of the petitioner's claim.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read and concurred in,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act exempting clerks in post-offices from militia duty, on paying a commutation."

Seven several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising William Harrold to erect a dock on the south side of Musquito Cove creek, in the town of Oyster-Bay;" the bill entitled "An act for the relief of the heirs of William Jones, deceased;" the bill entitled "An act relative to the Chenango bridge company;" the bill entitled "An act concerning the appraisement of damages on the canals, and the compensation allowed to the canal appraisers;" the bill entitled "An act to compensate jurors in the county of Rensselaer;" the bill entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware;" and the bill entitled "An act concerning the state prisons of this state;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act authorising William Harrold to erect a dock on the south side of Musquito Cove creek, in the town of Oyster-Bay," was referred to a select committee, consisting of Mr. Jones, Mr. Williamson and Mr. Hedges; the bill entitled "An act for the relief of the heirs of William Jones, deceased," was referred to a select committee, consisting of Mr. Cargill, Mr. Arnold and Mr. Dayton; the bill entitled "An act relative to the Chenango bridge company," was referred to a select committee, consisting of the members attending this house from the county of Chenango; the bill entitled "An act concerning the appraisement of damages on canals, and the compensation allowed to the canal appraisers," was referred to a select committee, consisting of Mr. Johnson, Mr. Dana and Mr. Eldridge; the bill entitled "An act to compensate jurors in the county of Rensselaer," was referred to a select committee, consisting of Mr. Heermans, Mr. Mallory and Mr. Barnett; the bill entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware," was referred to a select committee, consisting of Mr. McCrea, Mr. Soper and Mr. Austin; and the bill entitled "An act concerning the state prisons of this state," was referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Titus and Mr. Tailor, severally to consider and report thereon.

Mr. Sceley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the New-York African Clarkson association," and find the same correctly engrossed.

Ordered, That the same be laid upon the table.

The house then proceeded to the consideration of the amendment offered by Mr. Mann to the report of the committee of the whole, on the bill entitled "An act authorising the construction of the Chenango canal;" and in proceeding upon the said amendment and report, Mr. Mann made a motion that the house should agree to lay the same upon the table.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 50}
{AYES 44}

The ayes and noes being required by ten members.

Those who voted in the negative are—

Mr. Arnold	Mr. Franklin	Mr. H.W Livingston	Mr. H. D. Smith
Mr. Austin	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker
Mr. Barnet	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Spier
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Stanton
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Starr
Mr. Burt	Mr. Garnsey	Mr. Paige	Mr. Tabor
Mr. Case	Mr. Goodman	Mr. Partridge	Mr. Titus
Mr. Chandler	Mr. Gross	Mr. Phoenix	Mr. Tower
Mr. Dickson	Mr. Hazeltine	Mr. Randall	Mr. P. Van Beuren
Mr. Efner	Mr. Hubbell	Mr. Savage	Mr. Wheeler
Mr. Eldridge	Mr. Johnson	Mr. Sill	Mr. White
Mr. Fillmore	Mr. Lindsley	Mr. Skinner	Mr. Young
Mr. Fleming	Mr. C. L. Livingston		50

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hammond	Mr. Sheppard
Mr. Allison	Mr. Dean	Mr. Hedges	Mr. Sloughter
Mr. Armstrong	Mr. Defreest	Mr. Heermans	Mr. A. Smith
Mr. Baragar	Mr. Dyckman	Mr Jenkins	Mr. L. Smith
Mr. Brinkerhoff	Mr. Dygert	Mr. Judd	Mr. Soper
Mr. Brown	Mr. Edgerton	Mr. Keith	Mr. Tailor
Mr. Cargill	Mr. Fowler	Mr. Mandeville	Mr. J. Van Beuren
Mr. Collier	Mr. Gosman	Mr. Mann	Mr. Van Wyck
Mr. Curtiss	Mr. Graham	Mr. Sanford	Mr. Waring
Mr. Dana	Mr. Graves	Mr. Scott	Mr. Waugh
Mr. Davenport	Mr. J. Hall	Mr. Seeley	Mr. Williamson 44

In further proceeding upon the said amendment, Mr. Dana made a motion that the house should agree to postpone its further consideration until Monday next.

Debates were had upon the said motion of Mr. Dana; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 53}
{AYES 47}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Arnold	Mr. Fleming	Mr. C. L. Livingston	Mr. Speaker
Mr. Austin	Mr. Franklin	Mr. H.W. Livingston	Mr. Spier
Mr. Bailey	Mr. P. C. Fuller	Mr. Mallory	Mr. Stanton
Mr. C. Baker	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Barnett	Mr. Garbutt	Mr. M'Niel	Mr. Tabor
Mr. Bradish	Mr. Gardiner	Mr. Paige	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. Partridge	Mr. Tower
Mr. Case	Mr. Goodman	Mr. Phoenix	Mr. P. Van Buren
Mr. Chandler	Mr. Graves	Mr. Randall	Mr. Wheeler
Mr. Curtiss	Mr. Gross	Mr. Savage	Mr. White
Mr. Defreest	Mr. Hazeltine	Mr. Sill	Mr. Willey
Mr. Dickson	Mr. Hubbell	Mr. Skinner	Mr. Williams
Mr. Eldridge	Mr. Johnson	Mr. H. D. Smith	Mr. Young
Mr. Fillmore			53

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hedges	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr. Heermans	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Jenkins	Mr. Sloughter
Mr. Baragar	Mr. Edgerton	Mr. Jones	Mr. A. Smith
Mr. Bogert	Mr. Efner	Mr. Judd	Mr. L. Smith
Mr. Brinkerhoff	Mr. Falley	Mr. Keith	Mr. Soper
Mr. Brown	Mr. Fowler	Mr. Mandeville	Mr. Tailor
Mr. Cargill	Mr. Gosman	Mr. Mann	Mr. J. Van Beuren
Mr. Collier	Mr. Graham	Mr. M'Crea	Mr. Waring
Mr. Dana	Mr. J. Hall	Mr. Mixer	Mr. Waugh
Mr. Davenport	Mr. Hammond	Mr. Morell	Mr. Williamson
Mr. Dayton	Mr. Hascall	Mr. Sanford	47

Thereupon,

The said amendment offered by Mr. Mann, was again read, in the words following, to wit:

Add to the report of the committee of the whole, as amended, the following section:

The canal commissioners shall proceed with all practicable diligence, to construct a canal from Rome to the High Falls of the Black river, and improve the navigation of the said river, if they shall first be satisfied that said canal can be constructed for $500,000, including all expenses, and that said canal will yield a nett revenue of four per cent.; and the commissioners of the canal fund shall borrow the sum last aforesaid, in manner provided in this act.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 81}
{AYES 06}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Dickson	Mr. Hubbell	Mr. L. Smith
Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Soper
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Speaker
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. Spier
Mr. Bailey	Mr. Eldridge	Mr. Lindsley	Mr. Stanton
Mr. C. Baker	Mr. Falley	Mr. C. L. Livingston	Mr. Starr
Mr. Baragar	Mr. Fillmore	Mr. H. W. Livingston	Mr. Tabor
Mr. Barnett	Mr Fleming	Mr. Mallory	Mr. Tailor
Mr. Bogert	Mr. Fowler	Mr. Mandeville	Mr. Titus
Mr. Bradish	Mr. Franklin	Mr. J. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gardner	Mr. Mixer	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Randall	Mr. P. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Savage	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Scott	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Seeley	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Sill	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Skinner	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Sloughter	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. A. Smith	Mr. Williamson
Mr. Dayton	Mr. Holdridge	Mr. H. D. Smith	Mr. Young
Mr. Defreest			81

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Mann	Mr. M'Crea
Mr. Cargill	Mr. Judd		6

Thereupon,

Mr. Mann made a motion that the house should agree further to amend the report of the committee of the whole, by adding thereto a section in the words following, to wit:

§ . The commissioners of the canal fund shall borrow the monies appropriated by this act for the construction of said canal, on the pledge of the nett revenues to be derived from said canal, in connection with the increased tolls on the Erie canal, and on no other pledge; which increase shall be estimated and certified by the canal commissioners, pursuant to this act; and such certificate shall be filed with the commissioners of the canal fund.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 53
AYES 33}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Armstrong	Mr. Franklin	Mr. Mallory	Mr. Soper
Mr. Arnold	Mr. P. C. Fuller	Mr. Mandeville	Mr. Speaker
Mr. Austin	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Spier
Mr. C. Baker	Mr. Garbutt	Mr. M'Niel	Mr. Starr
Mr. Barnet	Mr. Gardiner	Mr. Mixer	Mr. Tabor
Mr. Bradish	Mr. Garnsey	Mr. Paige	Mr. Titus
Mr. Case	Mr. Goodman	Mr. Partridge	Mr. Tower
Mr. Chandler	Mr. Graves	Mr. Phoenix	Mr. P. Van Beuren
Mr. Defreest	Mr. Gross	Mr. Randall	Mr. Wheeler
Mr. Dickson	Mr. Hubbell	Mr. Scott	Mr. White
Mr. Efner	Mr. Johnson	Mr. Sill	Mr. Willey
Mr. Eldridge	Mr. Lindsley	Mr. Skinner	Mr. Williams
Mr. Fillmore	Mr. C. L. Livingston	Mr. H. D. Smith	Mr. Young
Mr. Fleming			53

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hascall	Mr. Sanford
Mr. Allison	Mr. Dean	Mr. Hedges	Mr. Sloughter
Mr. Baragar	Mr. Dyckman	Mr. Holdridge	Mr. A. Smith
Mr. Brinkerhoff	Mr. Dygert	Mr. Jenkins	Mr. L. Smith
Mr. Brown	Mr. Falley	Mr. Judd	Mr. Tailor
Mr. Cargill	Mr. Fowler	Mr. Keith	Mr. Van Wyck
Mr. Collier	Mr. Gosman	Mr. Mann	Mr. Waring
Mr. Curtis	Mr. J. Hall	Mr. M'Crea	Mr. Williamson
Mr. Dana			33

Thereupon,

Mr. Edgerton made a motion that the house should agree to recommit the report of the committee of the whole, as amended, to a committee of the whole house.

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Edgerton, and it was determined in the negative.

{NAYS 59
AYES 43}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Armstrong	Mr. Fillmore	Mr. Johnson	Mr. H. D. Smith
Mr. Arnold	Mr. Fleming	Mr. Lindsley	Mr. Speaker
Mr. Austin	Mr. Franklin	Mr. C. L. Livingston	Mr. Spier
Mr. Bailey	Mr. P. C. Fuller	Mr. H.W.Livingston	Mr. Stanton
Mr. C. Baker	Mr. W. K. Fuller	Mr. Mallory	Mr. Starr
Mr. Barnet	Mr. Garbutt	Mr. J. M'Donold	Mr. Tabor
Mr. Bogert	Mr. Gardiner	Mr. M'Niel	Mr. Titus
Mr. Bradish	Mr. Garnsey	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Paige	Mr. P. Van Beuren
Mr. Case	Mr Graves	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Gross	Mr. Phoenix	Mr. White
Mr Defreest	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Dickson	Mr. Heermans	Mr. Savage	Mr. Williams
Mr. Eldridge	Mr. Holdridge	Mr. Sill	Mr. Young
Mr. Falley	Mr. Hubbell	Mr. Skinner	59

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hedges	Mr. Sloughter
Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. A. Smith
Mr. Baragar	Mr. Dygert	Mr. Jones	Mr. L. Smith
Mr. Brinkerhoff	Mr. Edgerton	Mr. Judd	Mr. Soper
Mr. Brown	Mr. Efner	Mr. Keith	Mr. Tailor
Mr. Cargill	Mr. Fowler	Mr. Mandeville	Mr. J. Van Beuren
Mr. Collier	Mr. Gosman	Mr. Mann	Mr. Van Wyck
Mr. Curtiss	Mr. Graham	Mr. M'Crea	Mr. Waring
Mr. Dana	Mr. J. Hall	Mr. Sanford	Mr. Waugh
Mr. Davenport	Mr. Hammond	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hascall	Mr. Seeley	43

The report of the committee of the whole being further amended by the house,

Mr. Speaker put the question whether the house would agree to the said report as amended, and it was determined in the affirmative.

{AYES 63}
{NAYS 39}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Johnson	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. Soper
Mr. Austin	Mr. Fleming	Mr. C. L. Livingston	Mr. Speaker
Mr. Bailey	Mr. Franklin	Mr.H.W.Livingston	Mr. Spier
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. Mandeville	Mr. Starr
Mr. Barnett	Mr. Garbutt	Mr. J. M'Donald	Mr. Tabor
Mr Bogert	Mr. Gardiner	Mr. M'Niel	Mr. Titus
Mr. Bradish	Mr. Garnsey	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. Paige	Mr. P. Van Beuren
Mr. Burt	Mr. Graves	Mr. Patridge	Mr. Wheeler
Mr. Case	Mr. Gross	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Defreest	Mr. Heermans	Mr. Savage	Mr. Williams
Mr. Dickson	Mr. Holdridge	Mr. Sill	Mr. Young
Mr. Efner	Mr. Hubbell	Mr. Skinner	63

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hedges	Mr. Sloughter
Mr. Allison	Mr. Dygert	Mr. Jenkins	Mr. A. Smith
Mr. Brinkerhoff	Mr. Edgerton	Mr. Jones	Mr. L. Smith
Mr. Cargill	Mr. Falley	Mr. Judd	Mr. Tailor
Mr. Collier	Mr. Fowler	Mr. Keith	Mr. J. Van Beuren
Mr. Curtiss	Mr. Gosman	Mr. Mann	Mr. Van Wyck
Mr. Dana	Mr. Graham	Mr. M'Crea	Mr. Waring
Mr. Davenport	Mr. J. Hall	Mr. Sanford	Mr. Waugh
Mr. Dayton	Mr. Hammond	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Hascall	Mr. Seeley	39

Ordered, That the bill be engrossed.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, MARCH 7, 1829.

The House met pursuant to adjournment.

The petition of the board of trustees of the village of Buffalo, praying for an amendment to the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition and affidavit of Ogden Mallory, praying compensation for losses sustained in the construction of locks on the Oswego canal, was read, and referred to the committee on canals and internal improvements.

The petition of Mary A. Robb, an alien, praying that she may be authorised to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Murray, in the county of Orleans, praying for the passage of a law to authorise the supervisors of said county to raise by tax the sum of $1,000, for the purpose of constructing a bridge across Sandy creek, in said town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Justus Squire and others, inhabitants of the towns of Lexington, Hunter and Windham, in the county of Greene, praying for the incorporation of a company for the purpose of constructing a certain turnpike road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Suffolk, praying for the passage of a law to provide for the appointment of inspectors of wood in and for said county, was read, and referred to a select committee, consisting of Mr. Williamson, Mr. Hedges and Mr. Wheeler.

The petition of sundry inhabitants of the counties of Orleans, Genesee and Cattaraugus, praying for the appointment of commissioners to lay out a public highway from the village of Albion, in the county of Orleans, to Olean, in the county of Cattaraugus, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the counties of Genesee and Cattaraugus, praying for the passage of an act to appoint commissioners to lay out a road from the town of Sheldon, to intersect the Buffalo road in the county of Cattaraugus, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the supervisor, justices and town officers of the town of Columbia, in the county of Herkimer, praying that part of a certain road in said county may be discontinued, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Savage, from the committee on grievances, on the petition of Joseph E. Smith, praying that the canal board may be authorised to settle his claim for damages sustained on the Oswego canal, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act authorising the canal board to settle with Joseph E. Smith & Co. upon equitable terms;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of the trustees of the Reformed Presbyterian Congregation in the town of Galway, in the county of Saratoga, reported:

That the said trustees, in their petition, set forth, that John Burns, formerly a ruling elder in said church, now deceased, late of the town of Milton, did, by his last will and testament, an exemplified copy of which is annexed to the petition, by which it appears that the said John Burns made a devise in the words, and figures, following, to wit: 3d. I leave for the support of religion, this part of the vineyard, known by the name of the Galloway and Milton, and that part of the Reformed Presbyterian church, with which I am now connected, the other half of all my property, of which I die possessed, both landed and moveable property, at the decease of my wife. And that the widow of the said John Burns died on the ninth day of December last, leaving the undivided one half of the farm undisposed of, and of which said farm John Burns died seized in fee, lying in the town of Milton, as aforesaid.

The petitioners further set forth, that the said John Burns died without any children or heirs, according to the best of their knowledge and belief. The committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted; they have prepared a bill accordingly, and directed their chairman to ask leave to introduce the same.

Ordered. That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act for the relief of the trustees of the Reformed Presbyterian congregation in Galway;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of sundry inhabitants of the counties of Erie and Niagara, residing on the borders of the Tonnewanta creek, and the report of the canal commissioners on the said petition, reported:

That the petitioners represent, that the dam erected at the mouth of Tonnewanta creek, has raised the water about four feet above its former level, and has overflown the adjoining lands, which are low and marshy, and has rendered them unfit for cultivation, &c.

The only information that has been presented to the committee, is the petition and the report of the canal commissioners. The canal commissioners, in their report, remark, that "the country along the Tonnewanta creek and in its vicinity, is low and swampy, and has ever been subject to inundations and to sickness in summer and autumn. But it is probable that these evils have been augmented by the erection of the above mentioned dam, and the consequent elevation of the water for several miles above it. The water, during the last year, has been uncommonly high, and has overflowed the land to a considerable extent. This has been occasioned by the extraordinary rains of the last summer, and also by the manner in which the dam was originally built, which did not admit of a reduction of its surface in times of high water. The upper part of this work has since been reconstructed in such a manner as to ad-

mit of its reduction during floods. This will in some measure obviate the evils of which the petitioners complain."

The commissioners conclude by saying, that the evils complained of cannot be entirely obviated without abandoning a considerable part of the navigation of the Tonnewanta creek, and substituting other works at great expense.

The committee are of opinion that the prayer of the petitioners ought not to be granted; and they recommend that the petitioners have leave to withdraw their petition.

Thereupon,

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of Union Literary society, in the county of Jefferson, the petition of the trustees of Governeur high school, in the county of St. Lawrence, praying for a grant from lots reserved for literary purposes, and the petition of the trustees of Steuben academy, in the county of Oneida, praying for pecuniary aid, reported:

The several petitions set forth, that the literary institutions from which they come, have been incorporated by the legislature; commodious buildings have been erected, and a system of instruction established, highly useful to the communities where they are located; that they have been established by the liberality and enterprise of individuals, and that they are much in need of funds for the purpose of increasing the facilities of instruction, extending their influence, and placing them upon a permanent foundation.

From the facts disclosed, the committee are satisfied that these institutions are eminently useful, and highly deserving of public patronage; but after an attentive examination of the subject, with a sincere and anxious desire to support and cherish institutions so well calculated to extend the means of education and to improve the condition of common schools, they are constrained to state to the house, that they have been unable to discover any funds which can be consistently applied to this object.

They have directed their attention to the literature lots referred to in the petitions, and have called upon the Surveyor-General, by a resolution, for information in regard to those lots; which was answered by a report of the 31st of January, but which is not very specific or satisfactory upon some of the inquiries embraced in the resolution. It appears that all the literature lots are pledged to the state for the sum of seven thousand five hundred dollars, heretofore advanced to Lowville, Middlebury, Red-Hook and St. Lawrence academies, from the general fund, on account of appropriations before made to those academies, to be paid from the sales of literature lots not appropriated to the literature fund.

It also appears by a reference to the several acts under which those advancements were made from the treasury, that bonds were required from the trustees of those academies, pledging their responsibility in their individual and corporate capacity, to make up the deficiency in case the lots upon which those appropriations were chargeable, should not sell for sufficient to repay the sum advanced.

Under these circumstances, the committee have supposed that a grant by the state, of any one of those lots, would, in effect, destroy the validity of the bonds above referred to; and whatever may have been the policy of taking them, or the probability of their being enforced if forfeited, the committee do not feel willing to recommend a measure tending to defeat those securities.

The appraised value of the unappropriated lots exceeds the sums advanced; but from the best information the committee have been able to obtain on the subject, it is extremely questionable whether they will ever produce the amount already charged upon them. In coming to the conclusion which they have adopted, the committee feel much relieved by the consideration, that the petitioners can avail themselves of the benefit of the literature fund, to which one hundred and fifty thousand dollars was added in the year 1827, the income of which is annually distributed by the Regents of the University to the several

incorporated seminaries in the state, (excluding colleges.) They have directed their chairman to submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mallory, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the Troy water-works company, praying to be incorporated, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mallory, according to leave, brought in the said bill, entitled "An act to incorporate the Troy water-works company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Franklin, from the committee on trade and manufactures, on the petition of sundry distillers, praying an amendment of the act relative to the inspection of distilled spirits, and the remonstrance of dealers in that article, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Franklin, according to leave, brought in the said bill, entitled "An act to amend article eleventh of title second of chapter seventeenth of the first part of the Revised Statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Jones, from the select committee to which was referred the petition of sundry inhabitants of the town of Oysterbay in the county of Queens, praying that George D. Coles may be authorised to erect a dock opposite to his lands in said town, reported:

That they have had the same under consideration; and from the facts set forth by the petitioners in relation to this subject, they are of the opinion that the inhabitants of this section of country have long labored under the inconvenience of not having a good and permanent dock; and that it is the intention of the said George D. Coles to erect a wharf or dock sixty feet in width, and extending from high water mark in a southerly and westerly direction, into Hempsted harbor, five hundred feet, near a place called Cape Breton.

It does not appear to the committee, that in the constructing of the proposed wharf, it will interfere with the navigation in any shape whatever; but on the contrary, vessels would be enabled to load and discharge their cargoes with more facility and less expense.

And inasmuch as the said George D. Coles intends running a market boat from thence to New-York, it would furnish a cheap and ready conveyance for the farmer to transport his produce to market. And the committee think proper to add, that the said George D. Coles has it also in contemplation to run a steam-boat from said wharf to the city of New-York; evidently an additional accommodation, not only of a local nature, but of infinite advantage to the community at large.

Under these circumstances, the committee can see no just cause why the prayer of the petitioners should not be granted, and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act authorising George D. Coles to erect a dock in the town of Oysterbay;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the petition of Jonathan Peck and others, praying that a law may be passed, authorising them to erect a wharf in the town of Flushing, reported:

That the committee have had the same under consideration; and that it appears, several of the petitioners have, at considerable expense, bought lands

adjoining Flushing creek, in order to erect a good and sufficient dock or wharf for the accommodation of vessels that may require to load or discharge their cargoes at that place.

The petitioners propose to construct said dock in the following manner: To commence at a place known as the most southerly corner of the store-house dock, and extending a northerly course three hundred and fifty-five feet, and twenty feet below the ordinary low water mark in the waters of Flushing creek.

It is the opinion of the committee, that in the erection of this dock or wharf, the navigation will in no wise be subject to inconvenience; inasmuch as the creek in this place is from twenty to five and twenty rods wide. It does also appear that most of the inhabitants of the town of Flushing are anxious that such dock or wharf should be completed, from the fact that it would be of public utility.

Under these circumstances, the committee think the prayer of the petitioners ought to be granted, and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the appraisement of damages on the canals, and the compensation allowed to the canal appraisers," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Cargill, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the heirs of William Jones deceased," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Heermans, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to compensate jurors in the county of Rensselaer," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Dayton, from the select committee, consisting of the delegation from the city and county of New-York, to which was referred the memorial of the mayor, aldermen and commonalty of the said city, praying for the passage of a law authorising a tax for the purpose of meeting the public expenses for the ensuing year, reported as follows:

It appears to the committee, that the memorialists have made their usual estimate of the probable expenses which will be incurred during the next year, in the regulation and government of the said city; are of opinion that a sum not less than four hundred and fifty thousand dollars, will be requisite to meet the various expenditures to which they are subjected. In forming this estimate, the memorialists allege that they have been influenced by a due regard to economy, and a desire to lessen the burthen upon the citizens; and the committee are gratified to perceive, that notwithstanding the rapid increase of population and business in that city, the sum which the memorialists ask leave to raise for the coming year, does not exceed that which was authorised for the last year.

Inasmuch as the supervisors of the said city and county have no power to levy a tax to defray the public expenses, the corporation are under the necessity of making an annual application to the legislature for permission to raise the requisite amount for that purpose.

The committee are of opinion that the prayer of the memorialists ought to be granted; and they have accordingly prepared a bill in the usual form, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the attorney-general, was read in the words following, to wit:

The Attorney-General, in obedience to a resolution of the Assembly, requesting him to report what measures in his opinion are proper to be pursued in relation to William L. Perce, confined in the jail of the county of Cayuga, on a suit in behalf of the people of this state, respectfully reports:

That in January, 1828, the late Comptroller made a report relative to the expenditure of monies on the canals, (Ass. Jour. 1828, p. 116,) showing that William L. Perce, as superintendent of repairs on the Erie canal, had defrauded the state of large sums of money, by means of false and double vouchers. In April of the same year, (Journal, p. 1204,) the Assembly passed a resolution, referring the report of the Comptroller, and the petition of Perce, to the Attorney-General, with directions to "institute such proceedings, civil and criminal, against the said William L. Perce, as he might deem warranted by the facts of the case and the law of this state." In pursuance of this resolution, a suit was instituted against Perce to recover back the monies he had wrongfully obtained from the state; and a judgment against him has been perfected at the present term of the supreme court, for forty thousand dollars damages, and forty dollars and fifteen cents costs of suit. The Attorney-General is informed that his predecessor in office expressed an opinion that no criminal proceedings against Perce could be sustained; and the fact that none were commenced, is of itself a sufficient indication that such was his opinion.

The "measures proper to be pursued" for the collection of the debt, are such as are common to other cases—executions against the property and body of the defendant. That such measures will prove successful, is rendered highly improbable from the fact that Perce is generally believed to be destitute of property or other means of satisfying the judgment.

All which is respectfully submitted,

GREENE C. BRONSON, *Attorney-General.*

March 6th, 1829.

Ordered, That the said communication be committed to a committee of the whole when on the bill upon that subject.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to preserve the purity of elections;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Skinner, Mr. Judd and Mr. Hubbell, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act to exempt the firemen of the city of New-York from jury and militia duty, after certain terms of service."

In pursuance of previous notice, Mr. Paige asked for and obtained leave to bring in a bill entitled "An act to authorise the issuing of executions by the justices' court of the city of Schenectady; and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Young have leave of absence for four days, Mr. H. D. Smith for four days, and Mr. Randall for six days.

Ordered, That the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York," be the special order of the day for Monday the 16th instant.

Mr. Davenport, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the construction of the Chenango canal," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act authorising the construction of the Chenango canal," was read the third time.

Mr. Speaker put the question on the final passage of the said bill, and it was determined in the affirmative.

{AYES 59}
{NAYS 37}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Hubbell	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Johnson	Mr. Soper
Mr. Austin	Mr Fleming	Mr. Lindsley	Mr. Speaker
Mr. Bailey	Mr. Franklin	Mr. C. L. Livingston	Mr. Spier
Mr. C. Baker	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. Mallory	Mr. Starr
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. Paige	Mr. Tower
Mr. Case	Mr. Goodman	Mr. Partridge	Mr. P. Van Beuren
Mr. Chandler	Mr. Graves	Mr. Phoenix	Mr. Wheeler
Mr. Defreest	Mr. Gross	Mr. Randall	Mr. White
Mr. Dickson	Mr. Hazeltine	Mr. Savage	Mr. Willey
Mr. Edgerton	Mr. Heermans	Mr. Sheppard	Mr. Williams
Mr. Efner	Mr. Holdridge	Mr. Sill	

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Those who voted in the negative are—

Mr. Al Burtis	Mr. Dean	Mr. Hedges	Mr. A. Smith
Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. L. Smith
Mr. E. Baker	Mr. Dygert	Mr. Judd	Mr. Tailor
Mr. Brown	Mr. Fowler	Mr. Mann	Mr. Teller
Mr. Cargill	Mr. Gosman	Mr. M'Crea	Mr. J. Van Beuren
Mr. Collier	Mr. Graham	Mr Myers	Mr. Van Wyck
Mr. Curtiss	Mr. J. Hall	Mr. Sanford	Mr. Waring
Mr. Dana	Mr. Hammond	Mr. Scott	Mr. Waugh
Mr. Davenport	Mr. Hascall	Mr. Sloughter	Mr. Williamson
Mr. Dayton			

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill entitled "An act to incorporate the New-York African Clarkson association," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 81}
{NAYS 10}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Heermance	Mr. Sloughter
Mr. Allison	Mr. Dickson	Mr. Hubbell	Mr. L. Smith
Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Soper
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Speaker

Mr. Austin	Mr. Fillmore	Mr. Lindsley	Mr. Spier
Mr. Bailey	Mr. Fowler	Mr. C. L. Livingston	Mr. Stanton
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. Starr
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mann	Mr. Tabor
Mr. Baragar	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donald	Mr. Titus
Mr. Bradish	Mr. Gardiner	Mr. Myers	Mr. J. Van Beuren
Mr. Brown	Mr. Garnsey	Mr. Paige	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Partridge	Mr. Van Wyck
Mr. Case	Mr. Gosman	Mr. Phoenix	Mr. Waring
Mr. Chandler	Mr. Graham	Mr. Randall	Mr. Waugh
Mr. Collier	Mr. Gross	Mr. Sanford	Mr. Wheeler
Mr. Curtis	Mr. J. Hall	Mr. Scott	Mr. White
Mr. Dana	Mr. Hammond	Mr. Sheppard	Mr. Willey
Mr. Davenport	Mr. Hazeltine	Mr. Sill	Mr. Williams
Mr. Dayton	Mr. Hedges	Mr. Skinner	Mr. Williamson
Mr. Dean			81

Those who voted in the negative are—

Mr. Burt	Mr. Hascall	Mr. Savage	Mr. Teller
Mr. Edgerton	Mr. Judd	Mr. A. Smith	Mr. Tower
Mr. Efner	Mr. H. W. Livingston		10

Thereupon,

Mr. H. W. Livingston offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the bill entitled "An act to incorporate the New-York African Clarkson association."

Ordered, That the said resolution be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. C. L. Livingston, from the said committee, reported, that the committee had gone through the said bill, filled up a blank in its last section, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

{AYES 49}
{NAYS 40}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Edgerton	Mr. Hubbell	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr Jenkins	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Johnson	Mr. L. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Judd	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Keith	Mr. Spier
Mr. Brinkerhoff	Mr. Garnsey	Mr. Lindsley	Mr. Starr
Mr. Brown	Mr. Goodman	Mr. Mallory	Mr. Tabor
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Case	Mr. Gross	Mr. Partridge	Mr. Tower
Mr. Chandler	Mr. Hazeltine	Mr. Phoenix	Mr. Van Wyck
Mr. Dana	Mr. Heermans	Mr. Randall	Mr. Wheeler
Mr. Defreest	Mr. Holdridge	Mr. Scott	Mr. Williamson
Mr. Dyckman			49

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dean	Mr. C. L. Livingston	Mr. Soper	
Mr. Allison	Mr. Fowler	Mr. H. W Livingston	Mr. Stanton	
Mr. Arnold	Mr. W. K. Fuller	Mr. Mann	Mr. Tailor	
Mr. C. Baker	Mr. Gardner	Mr. M'Crea	Mr. Titus	
Mr. Bogert	Mr. Graham	Mr. J. M'Donald	Mr. J. Van Beuren	
Mr. Bradish	Mr. Graves	Mr. M'Niel	Mr. P. Van Beuren	
Mr. Cargill	Mr. J. Hall	Mr. Mixer	Mr. Waring	
Mr. Collier	Mr. Hascall	Mr. Paige	Mr. Waugh	
Mr. Curtiss	Mr. Hedges	Mr. Sanford	Mr. White	
Mr. Dayton	Mr. Jones	Mr. Savage	Mr. Willey	40

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Daniel M'Inroy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Timothy Tallman;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9th, 1829;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act extending the lines of certain lots in the south village of Black Rock;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising Judiah E. Budlong, Alvin Plumb, Thomas W. Harvey, Daniel Hazeltine and Silas Tiffany, to improve a part of the outlet of Chautauque lake for steam-boat navigation;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, MARCH 9, 1829.

The House met pursuant to adjournment.

The petition of Zenas Barker, of the town of Buffalo in the county of Erie, praying compensation for revolutionary services, was read, and referred to the committee on claims.

The petition of the overseers of the poor of the town of Queensbury in the county of Warren, praying for the passage of an act authorising them to sell a certain lot of land, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the towns of Amherst, Alden, Erie and Clarence, in the county of Erie, praying for the incorporation of a company to construct a slack water navigation in the Williamsville creek, from said village to the Erie canal, was read, and referred to a select committee, consisting of Mr. Burt, Mr. Johnson and Mr. Hazeltine.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law to authorise an extension of the fire limits in the 7th, 8th and 14th wards of said city, was read, and referred to a select committee, consisting of the members attending this house from the city and county of New-York.

The memorial of sundry inhabitants of the counties of Allegany, Livingston and Genesee, praying for the passage of a law to authorise the removal of the dam across the Genesee river at Mount Morris, was read, and referred to the select committee on that subject, of which Mr. Skinner is chairman.

The petition of sundry inhabitants of the towns of Cayuta, Spencer, Erin and Barton, in the county of Tioga, praying for the passage of a law to authorise the improvement of the navigation of Cayuta creek, and for other purposes, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Barre in the county of Orleans, praying for a certain amendment in the law incorporating the village of Albion in said county, was read, and referred to a select committee, consisting of Mr. Fleming, Mr. Fillmore and Mr. Hubbell.

The petition of sundry inhabitants of the county of Orleans, praying for the passage of an act to alter the name of the town of Yates in said county, and to change the time of holding town meetings in the same, was read, and referred to a select committee, consisting of Mr. Fleming, Mr. Fillmore and Mr. Hubbell.

The petition of sundry inhabitants of the county of Dutchess, praying that an additional tax may be levied on dogs, was read, and referred to the committee on agriculture.

The petition of the supervisors of the county of Ontario, praying for the passage of an act authorising them to raise a sum of money for repairing the jail in said county, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Kirkland in the county of Oneida, against any division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of James Wilson and others, inhabitants of the county of Allegany, praying for the passage of an act authorising the survey of a road from Angelica in said county, to Batavia in the county of Genesee, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a company, to be styled the Manhattan gas light company, was read, and referred to a select committee, consisting of Mr. Myers, Mr. Arnold and Mr. Dayton.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Murray in the county of Or-

leans, praying for the passage of a law to authorise the supervisors of said county to raise by tax the sum of one thousand dollars, for the construction of a bridge across Sandy creek, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the petition of the supervisors, justices of the peace, and town officers of the town of Columbia in the county of Herkimer, relative to a certain road mentioned in the petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of Justus Squire and others, inhabitants of the towns of Lexington, Hunter and Windham, in the county of Greene, praying for the incorporation of a company for the purpose of constructing a certain road, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the East-kill turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to which were referred the memorials of the inhabitants of the counties of Oneida, Lewis, Jefferson and St. Lawrence, praying for the construction of the Black river canal, from Rome in the county of Oneida, to the foot of the high falls of the Black river in the county of Lewis, and to improve the navigation of said river, reported:

That they have examined attentively the subject embraced in the memorials referred to them, and have received such information as the agents representing the interests of the memorialists, had to offer.

The route in question, was one of those surveyed by Mr. Geddes in 1825; and his report may be found in the Journals of the Assembly for 1826, Appendix F. page 2. Mr. Geddes represents the undertaking as practicable, although the amount of lockage is very great. Applications, since that time, have been made for the construction of a canal at the expense of the state, until the session of 1828, when an application was made for an act of incorporation for a private company, and the same was granted.

The commissioners named in the bill, caused the route to be examined, an accurate estimate of the cost of the work to be made, books to be opened for the subscription to the stock; and used, as the agents of the memorialists represent, all the means in their power to carry the law into operation. This, however, they were unable to accomplish; and the reason they assign for their failure, is, that individuals were unwilling to engage in a work, the whole cost of which they were to pay, and receive only a part of the advantages to be derived from it. The persons interested in this work, are willing to relinquish their charter, provided the legislature will authorise the construction of the work at the expense of the state. (See Document C.) The people of that section of the state, feel that they are justified in calling upon the legislature to share in its liberalities, and that they have a right to ask to be placed upon an equality with other portions of the state, in facility of access to market.

It cannot be necessary for the committee again to express their views on the propriety of the state's continuing her splendid system of internal improvements. The only inquiries necessary to be made, where subjects of this kind are presented to the consideration of the legislature, are—Is the object proposed practicable; and will it produce a return to your treasury, sufficient to pay the interest on the cost of its construction, its annual repairs, and eventually reimburse the principal? And will the funds of the state warrant the undertaking? As to the last point, the committee would refer to their report upon the Chenango canal, where their views upon this subject may be found, and from which it appears that there is no objection on the account of funds to construct works of this kind.

As to the practicability of this work, the committee refer to the report of Mr. Geddes, made in 1826; and to that of Mr. Cruger, who surveyed the route last summer, and whose report is annexed, marked A.; and the letter of Judge Wright, marked B.

The supply of water, Judge Wright says, is abundant at all times; and there may be water brought from the Black river to the summit level, sufficient for a great number of hydraulic works, over and above the necessary supply for the purposes of navigation: In short, he says, "there is not a doubt about an ample supply for every purpose required."

The extent of canal to be made is thirty-three miles seventy-eight chains, a navigable feeder of eleven miles and eight chains, and a river navigation of forty miles. The whole lockage is one thousand and ninety feet; one thousand and fifteen feet of which, Mr. Cruger proposes to overcome by inclined planes; the residue, seventy-five feet, by locks. The dimensions of the canal, as surveyed and estimated by Mr. Cruger, are twenty-five feet wide on the bottom; depth of water, four feet; a slope of one and a half horizontal to one perpendicular, making consequently a water line of thirty-two feet. The dimensions of the locks should be seven and a half feet wide, and seventy feet length of chamber in the clear. This is sufficient for the passage of boats of twenty to twenty-three tons, which is as large a size as can conveniently use the inclined planes. It is believed by many engaged in transportation, that boats of the above size are more advantageous for navigating canals, than those of larger size, and that they will eventually supersede the use of larger boats.

Mr. Cruger has minutely examined the whole route of the proposed work, and his estimate will be found to be made in detail, and with sufficient minuteness. The cost of the whole work he estimates as follows:

	Distances.		Culverts.	Dams.	Waste weirs	Bridges.	Descent by planes.	Descent by locks.	Cost
	M.	Ch.							
Feeder,	11	08	1	2	2	7	....	..	$40,497 15
S. Sec.	21	13	3	4	4	28	635	65	219,998 62
N. Sec.	12	65	5	2	1	17	380	10	116,644 20
Total,	44	86	9	8	7	52	1015	75	376,139 97

Add 10 per cent. for incidentals,	37,620 19
" 5 " for engineers, superint'ds. &c.	18,810 09
Total cost of canal,	$433,571 25
Improvement of the river,	4,168 00
Total cost of navigation from Rome to Carthage, a distance of 85 miles,	$437,739 25

Distance.	Miles.	Chains.
Canal, ...	33	78
Navigable feeder, ...	11	08
River, ...	40	00
	85	06

As to the sufficiency of the above estimate, the engineer says, his object was to fall into no exaggeration in favor of the work; but, on the contrary, to present an estimate that will rather exceed, than fall short of the actual cost. Judge Wright also says: "Having been for more than thirty years intimately acquainted with the formation of the country through which the proposed canal is to pass, and surveyed into farms the greater part of the route, the descriptions of the country as given me by Mr. Cruger, are familiar and perfectly understood. In regard to the estimate of expense of constructing the work, as made out by Mr. Cruger, I have perfect confidence in the amount being sufficient to construct the work in the manner he has proposed."

Mr. Geddes' estimate of a canal, with wooden locks at $150 a foot lift, is $453,391.

At the request of the friends of the application, the committee have made some calculations as to the annual expense of the work, and also some estimates of the revenue it may be expected to yield.

The expense of construction on Mr. Cruger's plan, would amount, according to his estimate, to about $440,000.

Interest on $440,000, at 5 per cent, ...	$22,000 00
Attendance, 8 locks and 13 inclined planes, 1 man to each, eight months, at $20, ...	3,300 00
Repairs of 45 miles canal, at $200, ...	9,000 00
locks and planes, $186,400, at 3 per cent, ...	5,592 00
Total yearly cost of 85 miles navigation, ...	$39,952 00

The revenue may be estimated on the basis of population, as follows:

¼ Oneida, ...	14,437
Lewis, ...	11,669
½ Jefferson, ...	20,825
⅓ St. Lawrence, ...	9,198
Increase according to the census of 1825, ...	17,183
	73,312

The tolls on the Erie canal in 1827 at Utica, and all places of collection west, to Buffalo, were $534,593; and the population west of Oneida and Madison, including Oneida, was, by the census of 1825, 530,704. In this proportion, the

tolls from the proposed work would be	$73,900 00
Add ¼ for ascending trade, ...	18,440 00
	$92,400 00
And as the Black river country sends its productions to Rome and Utica, and probably does not pay more than one quarter of the tolls collected at those offices, a deduction of	22,776 00
would be equal to the amount now paid by the Black river country; and	69,624 00
would be the increase of revenue from the proposed work. And if the yearly cost of the navigation, ...	39,952 00
is deducted, there will remain a yearly balance of	$29,672 00

towards redeeming the principal of the debt.

Another view of the subject of revenue, will be found in the calculation made by Judge Wright, and contained in his letter accompanying this report; according to which, the whole amount of toll on this navigation to tide water, is estimated at $97,316.

And in addition to these estimates, when we consider the great extent of good land as yet unsettled in the Black river country, its healthy climate, and abundance of ore, lumber and water power, and compare its natural advantages with those of the country extending from Rome 80 miles west, as shewn by their comparative prosperity before the construction of the Erie canal; and when we observe the effects which a ready communication has in calling natural resources into action, as shewn by their present comparative prosperity, and refer to the tolls from that part of the Erie canal, paying equally with the proposed route on an average distance of 180 miles, and recollect how large a proportion of the tolls on any canal come from its immediate vicinity, no doubt can exist that the revenue from a navigation leaving the Erie canal at right angles, and liable to no rival route, will soon reimburse the expense of constructing and maintaining the work.

As to the other advantages of the work, it would, like others of the same kind, increase the value of all the preceding works with which it is connected.

It would also have several peculiar advantages; among which are the increased value of the public lands. The Moose river tract alone contains 219,000 acres, estimated at thirty cents. To this tract there are now no means of access; it is consequently unsaleable, and not increasing in value: the canal passes within twenty miles of the land, and would probably bring it into market at an early day and advanced price. This canal would also afford a permanent and ample supply of water to the Rome level of the Erie canal; which, as transportation increases and the streams diminish, becomes every year of more consequence.

In the opinion of the memorialists, it would also assist in securing the northern frontier, which can not be effectually done without a naval force on Lake Ontario, for which Sacket's Harbor is the most suitable station. This post was so important during the late war, that the amount paid for transportation of warlike stores through the Black river country, is believed to have exceeded two million of dollars. Application was made for information on this subject to the Secretary of War, but it was not in the power of the department to furnish the information.

Since that period, many valuable improvements have been made near the lake, particularly some of the most important works on the Erie canal, as the locks at Lockport, the aqueduct over the Genesee river, and the Irondequoit embankment, which are so situated that they are exposed to be destroyed by an enemy having command of the lake, before the means of resisting the attack, or even of intercepting his return, could be provided.

The great amount of lockage in proportion to the length of the canal, renders it very desirable to provide some means of overcoming the elevation, more advantageous than the common lock. It is proposed to substitute inclined planes. Mr. Cruger, who has been employed two years on the Morris canal, and has seen the construction and operation of the first plane, has the fullest confidence in them, as a certain, cheap, and expeditious mode of overcoming great elevations; and he is of opinion that they will be adopted on all canals for the navigation of boats of twenty-five tons, on which there are great elevations to overcome. He is further of opinion, that the great amount of lockage in this canal is so reduced by the inclined planes, as to be equivalent in expense of construction to a canal of the same length with only 455 feet lockage, estimating locks at 400 dollars a foot lift, and equivalent in time to one of equal length with only 300 feet lockage.

Judge Wright remarks, that the inclined planes have not been used in this country except on the Morris canal, where the experiment which he saw in August last, satisfied him that they might be adopted with economy, compared with locks, and with a very great saving of time in passing boats, and also in daily attendance and expense.

During the present session of the legislature of New-Jersey, a joint committee of the council and assembly were appointed to examine the Morris canal and inclined planes. In their report, February 2, they say, "Nothing was more interesting and satisfactory, than the operation of the inclined plane at Boonton, by which an elevation of eighty feet in height was surmounted by a plane of eight hundred feet in length. The boat in which the committee passed over the plane, was sixty feet in length, and eight and a half in width; had in her eighteen tons of stone and one hundred passengers, and was carried over in fourteen minutes, while at the same time an empty car descended: had the descending car contained a loaded boat, the descent would no doubt have been accomplished in a shorter time. The committee do not entertain the smallest doubt of the practicability of inclined planes thus applied, and of their superiority over locks in overcoming great elevations, as respects economy in time and a saving in water: their success will, we believe, exceed the most sanguine expectations of their advocates."

We learn from Mr. Colden, president of the Morris canal company, that they are now constructing several planes of improved pattern, and which will be completed by June next, and which promise, in his opinion, to be a great improvement. He thinks those they are now constructing, will not cost more than $100 to $125 a foot lift; and that they will be so vastly preferable to locks, as to supersede their use.

It is also to be noticed, that a lock can only be ready for passing in one direction; and if a boat arrives in an opposite direction, time and water must be employed to prepare the lock for passing; while an inclined plane, when not in use, is ready for passing in either or both directions.

The following estimate will show, as nearly as can be done with the information at present before the committee, the comparative expense of constructing and maintaining inclined planes and locks of 80 feet lift:

Locks.

80 feet, at 250 dollars,	$20,000 00	
Contingencies, 10 per cent,	2,000 00	
	$22,000 00	
Interest 5 per cent, repairs 3 per cent,		$1,600 00
Attendance, say 4 men 8 months, at 20 dollars,		640 00
4 lock-houses, at 500 dollars,	$2,000 00	
Interest and repairs,		160 00
Total yearly cost,		$2,400 00

Inclined Planes.

80 feet, at 150 dollars,	$12,000 00	
Contingencies, 10 per cent,	1,200 00	
	$13,200 00	
Interest 5 per cent, repairs 3 per cent,		$1,056 00
Attendance, 1 man 8 months, at 20 dollars,		160 00
House,	$500 00	
Interest and repairs,		40 00
Total yearly cost,		$1,256 00

Yearly difference of 80 feet lift,	$1,144 00
" " per foot lift,	14 30

Equal, at 5 per cent, to a principal of $286 per foot lift.

The superiority of inclined planes over locks, is so great in the opinion of the memorialists, as to offer an important reason for constructing the work, not only on account of the advantages to be derived in the first instance, but also for the purpose of introducing into this state a mode of canalling applicable to many other parts of the state in which it is desirable to construct canals, and in which the principal objections arise from the great elevations to be surmounted.

The committee are not prepared to recommend to the legislature the immediate commencement of this work. They do not believe that this country has as yet sufficient evidence on the subject of inclined planes as a substitute for locks, to adopt them without further examination. This canal, as surveyed by Mr. Cruger, is considerably smaller than the Erie canal; and the propriety of adopting a canal of less dimensions, should, in the opinion of the committee, be submitted to the canal commissioners. Should they be of opinion that it would not be proper for the state to adopt the proposed plan, then a new survey and estimate would be necessary. The persons seeking this improvement, are willing that this course should be adopted; and the committee therefore recommend to the house the adoption of the following resolutions:

Resolved, (if the Hon. the Senate concur,) That the canal commissioners cause a route of a canal from Rome to the high falls of the Black river, to be surveyed, and estimates of the cost of constructing the same to be made; and also for improving the navigation of the river to Carthage, if they shall be of opinion that the dimensions of the canal as proposed by Mr. Cruger, will not answer, or that the surveys made by him are insufficient for them to report upon.

Resolved, That the canal commissioners cause an examination to be made as to the comparative advantages of inclined planes and locks in overcoming great elevations, the difference of time in passing from one level to another, and of expense of constructing and maintaining them.

Resolved, That the canal commissioners report on the above to the next legislature; also their opinion as to the propriety of adopting inclined planes on the proposed canal; also the probable revenue to be derived from the work, taking into consideration the additional tolls that will be received on the Erie canal; and such other information on the subject as they may obtain, and deem worthy the attention of the legislature.

[*For the Documents referred to in the preceding Report, see* Appendix G.]

Ordered, That the said report and resolutions be committed to a committee of the whole house; and that the usual number of copies thereof, together with the documents accompanying the same, be printed for the use of the legislature.

Mr. Judd, from the committee on medical subjects, to whom was referred the petition of Abraham Chase, praying to be admitted to an examination before the medical society of the county of Tompkins, reported:

The petition sets forth that the petitioner studied medicine with one Doct. Consider Morgan, in the county of Dutchess, in this state, more than thirty years ago, during a period of more than three years; that in consequence of the sudden death of said Doct. Morgan, he has been unable to procure a certificate of such term of study; that the petitioner commenced the practice of physic and surgery immediately after the death of the said Morgan, and has continued such practice ever since.

The above facts are supported by the affidavit of the petitioner; and the prayer of the petitioner is united in by many of the principal physicians of the county of Tompkins.

In coming to a conclusion upon this subject, the committee have directed their inquiries to the reasons for the laws regulating the practice of physic and surgery, and the acts incorporating medical societies in this state. And the result of such inquiry has been the conviction, that such laws are enacted to prevent the imposition of ignorant and unqualified empirics upon the public, under the name of doctor, and to provide a means for testing the qualifications of candidates for this important profession, before a competent tribunal.

The different laws upon this subject, have from time to time provided a certain term for study and tuition of the candidates with regular physicians, varying from three to four years, before they were admitted to an examination before the censors of the medical society; at which examination they must be approved as competent, before they can receive a diploma.

The committee are of opinion that the most important, and by far the most useful of these provisions, is the examination and approval of the candidate by the medical censors.

The petitioner, praying for nothing more than to be permitted to an examination before the competent authority, as a candidate for a diploma, the committee are of opinion that his request ought to be granted; and have accordingly prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Judd, according to leave, brought in the said bill, entitled "An act for the relief of Abraham Chase;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to whom was referred the petition of William Williams, receiver of the bank of Niagara, praying a relinquishment by the state of a certain debt due from the said bank, and a re-assignment of the collateral security given for the payment thereof, reported:

It appears to the committee, that the bank of Niagara, being indebted to the state in the sum of $14,869 on the 10th day of September, A. D. 1819, executed to the state a bond, conditioned for the payment of the said debt, with the interest to become due thereon, accompanied by the following collateral security, viz:

A bond of the president and directors of the said bank, secured by a mortgage upon four several parcels of land, for.....	$8,500 00
An assignment of a bond and mortgage of one E. S. Stuart, for...	1,200 00
An assignment of a bond of Chilion Mullet, secured by a mortgage of G. Folsom, for	982 31
An assignment of a judgment against N. Leonard, for.....	5,448 34
	$16,130 65

It further appears, that the mortgages above mentioned were foreclosed in the years 1821 and 1822, and the mortgaged premises purchased by the state for a nominal sum; and that the land embraced in the Folsom mortgage was sold by the state in the year 1824, for the sum of $1,000.

In the year 1825, an act was passed by the legislature, directing the re-conveyance to the said bank of all the mortgaged premises above mentioned, except the part comprised in the Folsom mortgage, which had been sold as aforesaid, and the re-assignment also of the said judgment, upon payment by the bank of all sums due from it to the state, with the costs, &c. within four months after the passage of the said act.

In partial compliance with the terms of this act, the bank, within the limited time, paid to the state the principal debt, and the further sum of $762, for bills of the bank received into the public treasury, between the 10th day of Sept. A. D. 1819, and the 21st day of March, A. D. 1820, amounting together to the sum of $15,631; but inasmuch as the conditions of the law were not fully performed, the said re-conveyance and re-assignment were not executed.

In the year 1827, upon the application of the bank, another act was passed, directing the same re-conveyance and re-assignment mentioned in the former act, upon the payment by the bank of $6,240 64, the balance of interest due, (after deducting the proceeds of the sale of the land contained in the Folsom mortgage,) together with other small sums mentioned in the said act, which condition has never been complied with, either in whole or in part, by the bank.

Under this state of facts, the petitioner, who is the receiver of the said bank, solicits a relinquishment by the state of the balance due, which, including interest, would now amount to about $7,500, and that the commissioners of the land-office may be directed to convey to him, the said receiver, the lands which were so mortgaged to the state, and afterwards purchased by it, except the part contained in the Folsom mortgage, which was sold as aforesaid; and that the comptroller may be directed to assign to him the said judgment against Leonard.

In 1825, the premises purchased by the attorney-general for the state, excluding the part contained in the Folsom mortgage, were appraised by persons appointed for that purpose by the surveyor-general, at $6,877. The present value, as estimated by the petitioner, is about $6,700; but the title of the state to a portion thereof, valued by the petitioner at $3,600, is said by him to be doubtful, if not positively defective. The land which is bound by the judgment against Leonard, and which is all that renders that judgment of any value, is estimated by the petitioner at $3,300.

The grounds upon which the petitioner asks relief are, that the state, by proper attention and diligence, might have received from the various premises covered by the said mortgages and judgment, from six hundred to a thousand dollars per annum, which would have nearly or quite discharged the debt, instead of which, nothing has been received; and that unless means are speedily adopted for securing the said property, a large portion of it will be lost, both to the state and to the bank.

The committee do not perceive the force of these reasons, nor do they think that under existing circumstances, the receiver has any equitable claim to relief, beyond the provisions of the act of 1827. All the inconvenience and loss which the bank may have sustained, in being deprived of the profits of the lands covered by the mortgages and judgment above mentioned, have arisen from its neglect to pay a just debt; and however inattentive to its own interests the state may have been, this circumstance affords no just ground of complaint on the part of the petitioner, nor is it any reason why the state should relinquish the debt due to it, for the benefit of other creditors of the bank. Besides, as a portion of the mortgaged land was purchased by the state antecedently to the adoption of the present constitution, the proceeds thereof are by instrument inviolably appropriated to the school fund; and the committee are of opinion that the legislature have no power to dispose of that part of the property, without a fair equivalent, which would preclude the gratuitous re-assignment solicited by the petitioner.

The committee are therefore of opinion, that the prayer of the petitioner ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Skinner, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to preserve the purity of elections," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Ordered, That the committee on canals and internal improvements, be discharged from the further consideration of the petition of Ogden Mallory, praying compensation for losses sustained by him in the construction of locks on the Oswego canal; and that the said petition be referred to the canal commissioners.

Mr. Johnson gave notice that he would ask leave to introduce a bill, for the appointment of an inspector of lumber at New-London in the county of Oneida.

Mr. Savage gave notice that he would, on some future day, ask leave to bring in a bill to incorporate a fire company in the town of New-Hartford in the county of Oneida.

Mr. Mann gave notice that he would, on some future day, ask leave to bring in a bill to amend the revised statutes, concerning the appraisal and payment of damages on the canals.

The annual report of Nehemiah Brown junior, an inspector of beef and pork for the county of Westchester, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

GENTLEMEN,

Annexed you have the amount of beef and pork inspected by me in the county of Westchester, for the year 1828.

Mess pork,.....	60	barrels.
Prime do	160	"
Mess beef, ...	6	"
Prime do	23	"
Total,.....	249	barrels.

Nett proceeds of inspection, ... $38 84

NEHEMIAH BROWN, JUN.
Inspector of Beef and Pork.

Rye, January 31, 1829.

Ordered, That the same be laid upon the table.

A communication from Samuel A. Talcott, one of the regents of the university, was read, in the words following, to wit:

Washington, March 2, 1829.

SIR,

As I find it will be impossible for me, without serious inconvenience, to give that attention which I could wish, to the duties of the office of regent of the university, permit me to request that you will communicate this to the Honorable the Assembly, as my resignation of that office.

I have the honor to be,
Very respectfully,
Your obedient servant,
SAMUEL A. TALCOTT.

The Honorable the Speaker of the Assembly of the State of New-York.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to continue the act for the employment of counsel for the purposes therein mentioned;" the bill entitled "An act to incorporate the Presbyterian church of Peekskill;" and the bill entitled "An act for the relief of William C. Housman and James A. Housman;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to continue the act for the employment of counsel for the purposes therein mentioned," was referred to a select committee, consisting of Mr. Hazeltine, Mr. Garbutt and Mr. Mixer; the bill entitled "An act to incorporate the Presbyterian church of Peekskill," was referred to a select committee, consisting of Mr. Brown, Mr. A. Smith and Mr. Davenport; and the bill entitled "An act for the relief of William C. Housman and James A. Housman," was referred to a select committee, consisting of Mr. Jones, Mr. Vanderbilt and Mr. Dyckman; severally to consider and report thereon.

The Senate returned, by their clerk, the bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land."

Ordered, That the clerk deliver the said bill to the Governor.

A communication from the comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, *March* 9, 1829.

The Comptroller, in obedience to the resolution of the honorable the Assembly of the 5th inst., calling upon him to furnish to the house copies of certain papers on file in his office, enumerated in the said resolution, has the honor to submit the annexed papers, marked No. 1 to No. 6, inclusive, which embrace copies of all the papers, evidence and proceedings called for by the said resolution, and found upon the files of the office, and which are respectfully submitted.

SILAS WRIGHT, Jr.

NO. 1.

To the Honorable Canal Board of the State of New-York:

The petition of the undersigned respectfully represents, that in the month of August, 1825, your petitioners contracted with Henry Seymour, Esq., acting commissioner on the Oswego canal, to construct and complete sections No. 6, 7 and 12 of the said canal, all of which have been completed except some trifling work on section No. 6, and the removing of a dam on No. 7, which they have been prevented from finishing by high water, and for the performance of which the engineer on said canal has retained a sufficient sum; that at the time of making said contract, your petitioners were induced to believe, not only from their own experience in the business of constructing canals, but from the representations of the state agents and engineers, and the opinions of other experienced persons, that the prices allowed by the said contract would amply remunerate them for its performance; but in consequence of the new directions subsequently received from the engineer, and of the work proving to be of a different character than was contemplated, your petitioners have been compelled, in the execution of said contract, to apply their private means and credit to a large amount; and unless extra allowances shall be made to them by the state, they will be subjected to great embarrassments and heavy losses.

The amount of indemnity asked for, and the particular items are as follows, viz:

For removing a large quantity of flood wood in the dead water of the Oswego river, not named in the contract; this claim of $500 erased, $500.*

Section No. 6.

For making tow-path on the bank of the river, which was abandoned by the engineer, and directions afterwards given to dock out into the river,.....	$250 00

Section No. 7.

The rock on this section was represented and believed to be freestone, and forty cents per cubic yard was allowed by the contract for its excavation; but at least one-third part of the excavation proved to be a hard flinty rock, and cost from 70 cents to $3.50 per cubic yard; for which an extra allowance is asked of	10,194 80
Carried forward,.....	

* *Note.*—This entry of a claim as to section No. 6, appears in the original petition upon file in this office, erased precisely in the same manner it is in the foregoing copy; and the words "this claim of $500 erased," are also written upon the original petition in the same manner they are upon the copy. The comptroller has directed this erasure copied, because it appears that testimony was taken before the canal board in relation to section No. 6, and because he has no means of knowing whether this erasure was made before the taking of that testimony, and before the petition was presented, or during the hearing before the board, and after the examination of the engineer.

Brought forward, ...	
The earth excavation of this section was believed to be loam and sand; but (excepting a small portion of the surface) turned out to be cemented gravel, quick-sand and clay; for which an extra allowance is asked of	1,700 00
For building a dam on the Oswego river, opposite J. Lyons' store-house, not contemplated by the contract, ...	120 00
Section No. 12.	
For excavation of rock under water, not named as such in the contract, and for which only 35 cents per cubic yard has been received: and extra allowance of 40 cents per cubic yard is asked on 3,000 yards, amounting to	1,200 00
For building wall on this section, being an alteration of the contract, directed by the engineer; an extra allowance is asked of.	350 00
Total,.....	$14,314 80

JONATHAN CASE,
LEWIS BEEBE,
ABNER L. DOWNER,
JOHN CHAPMAN,
H. SAGE, Jr.
SAMUEL FARWELL,
ASA CADY.

Dated at Fulton, 21*st January*, 1828.

Your petitioners further claim indemnity for the building and sustaining a dam across the canal on section No. 7, to guard against the unusual high water in the spring of 1827, as also for the damage sustained thereby in the waste of the banks of the canal, partially constructed on the said section, of $200.

They also claim an extra allowance on the work generally, on sections No. 6 and 7. in addition to the amount claimed by the annexed petition, by reason of the extra expense, occasioned by the prevalent sickness during the seasons of 1826 and 1827, on those sections, $1,000 each. $2.000.

JONATHAN CASE,
for Cady, Case & Co.

February 29*th*, 1828.

(NO. II.)

This article of agreement, made the 10th day of August, 1825, between Asa Cady, John Chapman, Hezekiah Sage, Lewis Beebe, Samuel Farwell, Jonathan Case and Abner P. Downer, of the one part, and the canal commissioners of the state of New-York of the other part, witnesseth: that the said Asa and associates above mentioned, covenant and agree to construct sections Nos. six, seven, and twelve, of the Oswego canal, in the following manner, to wit:

Section six, consisting of a towing-path on the margin of the Oswego river, with the necessary culverts and bridges, and including the removal of all timber in the river, on the margin of the towing-path, and the excavation of all earth or rock which may be required to give a sufficient depth of water for the purpose of navigation; the towing path shall be grubbed, cleared, and regularly formed to the width of twelve feet on the surface, and as nearly level as practicable.

For which the canal commissioners agree to pay the said Asa and his associates, on the completion of the aforesaid section, as follows, to wit: for constructing and completing the towing-path, at the rate of three dollars per rod; and for the excavation of the earth or gravel in the river, twenty-five cents per yard; and for rock in the river, fifty cents per yard.

Section No. seven, consisting of a towing-path, part of the way on the margin of the Oswego river, to be constructed similar to the one above mentioned, excavation of rock in the canal, gravel under water, excavation of earth, embankment, and a dam part of the way across the river, at the top of the Oswego falls, and lining to be put into the canal.

And the commissioners, on their part, agree to pay the said Asa and his associates, on the completion of the aforesaid section, as follows, to wit: for constructing and completing the towing-path, at the rate of three dollars and fifty cents per rod; and for the excavation of rock, forty cents per cubic yard; for gravel under water, thirty cents per cubic yard; excavation of earth, twelve cents per yard; and for embankment, fifteen cents per cubic yard; and for constructing the dam at the head of the falls, one dollar and fifty cents per foot run; and for lining, fifteen cents per cubic yard.

Section No. twelve, consisting of a tow-path, a part of the way similar to the ones above described, excavation of rock, excavation of earth, excavation of gravel under water, lining and constructing stone wall on the river side of the canal, to protect the bank and grubbing.

And the canal commissioners agree to pay the said Asa and his associates, on the completion of the aforesaid section, as follows, to wit: for constructing and completing the towing-path, four dollars per rod; for excavation of rock, thirty-five cents per cubic yard; excavation of earth, eleven cents per yard; for gravel under water, fifteen cents per yard; for lining, fifteen cents per yard; for constructing stone wall, twenty-five cents per cubic yard; and for grubbing, eight hundred dollars per mile.

And the said Asa and his associates further agree, to construct all the waste weirs on the Oswego canal, except the one on section No. thirteen; also, all the road and farm bridges on the Oswego canal.

And the canal commissioners agree to pay them two dollars and fifty cents per foot run for the waste weirs, and eighty dollars for the wood work on each of the road bridges, and one dollar per yard for the stone abutments, and sixty dollars for each of the farm bridges.

And it is furthermore agreed by the said Asa and his associates, that they will, at all times during the progress of the work, conform to such alterations as may be found necessary, and submit to such directions, with regard to the construction of the aforesaid sections and works, as they may receive from the commissioners or their engineer; and if at any time, in the opinion of the principal engineer on said canal, the said Asa and his associates shall not prosecute the work with energy and effect, the said engineer shall have power to declare this contract abandoned; and the said commissioners may thereupon let out the said sections, or any part thereof, to any other person or persons.

And it is further agreed by the parties hereto, that all questions arising in regard to the measurement, or to the execution of the work under this contract, shall be determined by the aforesaid principal engineer, whose decision shall be final and conclusive on the part of the said Asa and his associates.

ASA CADY,
JOHN CHAPMAN,
LEWIS BEEBE,
HEZEKIAH SAGE, Jr.
SAMUEL FARWELL,
JONATHAN CASE,
ABNER L. DOWNER.

In behalf of the Canal Commissioners.
HENRY SEYMOUR.

(NO. III.)

COPY OF THE TESTIMONY.

Feb. 29, 1828.

Testimony taken by the canal board, in the case of the petition of Cady, Case & Co. for an extra allowance on their contract to construct sections 6, 7, and 12, of the Oswego canal.

Petition read.

Contract read in evidence.

William Jerome was called, and testified, that he was an engineer on the Oswego canal, and had charge of the same during the execution of the contract of the petitioners.

Witness thinks they have received a full and fair compensation for the construction of section No. 6.

Section No. 7 proved to be of a different character than he contemplated. The contract price for earth excavation was twelve cents per yard; the quantity was 23,134$\frac{97}{100}$ yards, on which he thinks a fair allowance would be $1,850 80.

The contract price for rock excavation was forty cents per cubic yard; the quantity excavated was 27,296$\frac{73}{100}$ yards. Witness thinks it was worth fifteen cents per yard more than the contract price, which, on the 27,296$\frac{73}{100}$ yards, amounts to $4,094 50. There was 510 yards of flint rock, for which the petitioners received only forty cents per yard, which was worth $2 50 or $2 10 more than was paid, amounting on the 510 yards to $1,071.

Section No. 12 was almost all altered. There was 4,624$\frac{40}{100}$ yards of rock excavation on this section, for which the contract price was thirty-five cents per yard. Witness thinks it was worth 75 cents per yard; the difference between which, and the amount paid on the quantity excavated, amounts to $1,849 76.

Witness thinks these men were not as much affected as some others, by sickness.

(NO. IV.)

COPY OF THE ORDER OF THE BOARD.

Resolved, That $8,866 06 be paid by the canal commissioners on this contract, as an extra allowance.

(NO. V.)

To the Honorable the Canal Board of the State of New-York:

The petitition of John H. Lamson, Manly Vickery and Amos Mace, respectfully sheweth:

That in the month of August, 1825, Cady, Case & Co. entered into contract with the acting canal commissioner, for the construction of sections 6, 7, and 12, of the Oswego canal; that section No. 6 was underlet to your petitioners, who performed all the work on the said section; that the work to be done by the terms of the said contract, was the construction of a towing-path on the natural bank of the Oswego river, for which the sum of three dollars per rod was to be paid by by the canal commissioners.

That shortly after the work was commenced, the engineer who had charge of the same, directed the towing-path to be constructed by building a wharf in the river, and filling in the same with earth; and that a towing-path was thus constructed on the whole of the section, except the distance of 296 rods, which was constructed on the banks, where the banks were bold, requiring a cutting of about 20 feet in depth, and 12 width, for about 80 rods, for which your petitioners conceive they are entitled to an extra allowance of at least seven dollars per rod, in consequence of being deprived of the favorable part of the con-

tract in constructing the towing-path on the bank, where the work could be easily performed, in comparison with that part where it was difficult and expensive.

That for the construction of the wharf, independent of the filling in, your petitioners have been allowed $3,609 47, with which they are content; but for the filling in, which amounted to 37,250$\frac{30}{100}$ cubic yards, your petitioners have been allowed only 12$\frac{1}{2}$ cents per cubic yard, whereas your petitioners conceive they are justly entitled to at least 25 cents per cubic yard, on an average.

And that in addition to the quantity of 37,250 yards above specified, your petitioners are entitled to an allowance for a much greater quantity of filling in, in consequence of the earth sinking, the precise amount of which your petitioners cannot state, but believe it to be at least 6,000 yards, for which they conceive themselves entitled to 25 cents per cubic yard.

That in addition to the above, there are three other items of claim which your petitioners beg leave to present, and to submit to the judgment of this board, whether they come within the scope of their authority; and if the board shall determine that they can take cognizance of the same, then your petitioners ask such allowance as shall be thought just and reasonable.

First. Your petitioners constructed 154 rods of towing-path, on the natural bank of the river, which was afterwards abandoned by the engineer, and a new towing-path constructed in the river opposite to that which had been constructed, for which 154 rods your petitioners were entitled to $3 per rod, but never received a cent.

Second. Your petitioners cleared 1,063 rods of the river from flood wood, sunken timber and brush, for which they conceive they are justly entitled to a compensation of $2 50 per rod; that in the estimate of the section, your petitioners are allowed 754 rods, at $1 25 per rod, amounting to $942 50, but of which sum they have received only $742 50.

Third. That in consequence of your petitioners detaching 30 men from their section at the request of the canal commissioner, to assist in completing the lock pits for lock No. 2, they were greatly retarded in the completion of their job, were thrown into the latter part of the season, when they worked to great disadvantage by reason of the inclemency of the weather, and sustained a damage of at least $300.

JOHN H. LAMSON,
MANLY VICKERY,
AMOS MACE. } For Cady, Case & Co.

February 16*th*, 1828.

I, the subscriber, one of the firm of Cady, Case & Co. certify, that section No. 6, of the Oswego canal, was underlet by the original contractors to John H. Lamson, Manly Vickery, and Amos Mace; that the work on the said section was done by the said Lamson, Vickery and Mace, and they are entitled to the compensation which ought to be made for the same; and to any extra allowance which the canal board may see fit to make, I hereby, in behalf of myself and my associates, consenting that such extra allowance as may be made, may be paid to them.

ABNER P. DOWNER.

February 17*th*, 1829.

(NO. VI.)

Copy of the Minutes and Order of the Board.

February 20*th*, 1829.

The petition having been read, Mr. Wendell was heard as counsel for Joseph H. Lamson, Manly Vickery, and Amos Mace, for extra allowance on section 6, Oswego canal.

They were sub-contractors under Cady, Case & Co. who had received an allowance on their contract in 1828; and in the testimony of Mr. Jerome, given

in that case, he swears that on this section, No. 6, a full and fair compensation, in his opinion, was made to the original contractors, and that they were not entitled to any extra allowance.

Therefore,

Resolved, That inasmuch as the subject of an allowance upon this section has been before this board, upon the petition of Cady, Case & Co. in proper persons, and as testimony was taken, and an adjudication of the claim upon its merits had upon the hearing of that petition, the board do not consider it within their powers, or within the exercise of a sound discretion, again to open this claim.

Ordered, That the said communication, together with the documents accompanying the same, be referred to the committee on claims.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange," and find the same correctly engrossed.

The said engrossed bill, entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange," was read the third time.

Debates were had thereon; and the question being put whether the house would agree to the final passage of the said bill, it was determined in the negative.

NAYS	55
AYES	36

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Efner	Mr. C. L. Livingston	Mr. A. Smith
Mr. Arnold	Mr. Falley	Mr. H. W. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mann	Mr. Soper
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Bradish	Mr. Gardiner	Mr. J. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. W. M'Donald	Mr. Titus
Mr. Brown	Mr. Graves	Mr. M'Niel	Mr. J. Van Beuren
Mr. Cargill	Mr. J. Hall	Mr. Mixer	Mr. P. Van Beuren
Mr. Collier	Mr. W. Hall	Mr. Paige	Mr. Vanderbilt
Mr. Davenport	Mr. Hascall	Mr. Sanford	Mr. Waring
Mr. Dayton	Mr. Hedges	Mr. Savage	Mr. Waugh
Mr. Dean	Mr. Johnson	Mr. Scott	Mr. Willey
Mr. Dickson	Mr. Jones	Mr. Sheppard	Mr. Wyckoff
Mr. Edgerton	Mr. Lindsley	Mr. Sill	55

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Hammond	Mr. Sloughter
Mr. Austin	Mr. Fillmore	Mr. Hazeltine	Mr. Speaker
Mr. Bailey	Mr. Fitch	Mr. Heermans	Mr. Starr
Mr. E. Baker	Mr. Fleming	Mr. Hubbell	Mr. Taber
Mr. Burt	Mr. Franklin	Mr. Judd	Mr. Teller
Mr. Case	Mr. Garnsey	Mr. Keith	Mr. Tower
Mr. Chandler	Mr. Goodman	Mr. Mallory	Mr. Van Wyck
Mr. Dyckman	Mr. Gosman	Mr. Partridge	Mr. Wheeler
Mr. Dygert	Mr. Gross	Mr. Skinner	Mr. Williamson 36

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9th, 1829," and find the same is correctly engrossed.

Ordered, That the said bill be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising Judiah E. Budlong, Alvin Plumb, Thomas W. Harvey, Daniel Hazeltine and Silas Tiffany, to improve a part of the outlet of Chautauque lake;" the engrossed bill entitled "An act extending the lines of certain lots in the south village of Black-Rock," and the engrossed bill entitled "An act for the relief of Timothy Tallman;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act authorising Judiah E. Budlong, Alvin Plumb, Thomas W. Harvey, Daniel Hazeltine and Silas Tiffany, to improve a part of the outlet of Chautauque lake," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act extending the lines of certain lots in the south village of Black-Rock," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of Timothy Tallman," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act authorising the commissioners of the land-office to sell a certain lot of land."

MARTIN VAN BUREN.

Albany, March 9, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, MARCH 10, 1829.

The House met pursuant to adjournment.

The petition of Abraham Denny, an Oneida Indian, praying for a grant of two hundred acres of land, was read, and referred to the committee on Indian affairs.

The remonstrance of sundry inhabitants of the town of Amenia, in the county of Dutchess, against the incorporation of the Chippewalla turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Martha Cooper, an alien, praying for the passage of an act authorising her to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of Jacob Buckdorff, of the town of German Flats, in the county of Herkimer, praying for the passage of a law directing the canal commissioners to refund to him certain monies paid by him as toll on the transportation of timber belonging to the state, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company for the purpose of constructing a turnpike road

from the head of Canandaigua lake, through the village of Naples, southerly five miles, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the trustees of the First Presbyterian society in the town of Shelby, in the county of Orleans, praying for the passage of a law to authorise them to sell a certain lot of land, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of sundry inhabitants of the towns of Barre and Ridgeway, in the county of Orleans, praying for the passage of a law directing certain alterations to be made in the boundary lines of said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Mary Ann Byrne and others, infants, praying for the passage of an act to extend to them the provisions of the act passed March 24th, 1815, entitled "an act concerning infants," was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of Pittsfield, in the county of Otsego, praying for the passage of an act to authorise the overseers of the poor to pay over certain monies to the commissioners of highways in said town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the counties of Otsego, Greene and Schoharie, praying for the incorporation of a company to construct a turnpike road from the village of Cooperstown, to intersect the Cobleskill turnpike in the village of Durham, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of inhabitants of the counties of Tioga, Steuben and Tompkins, reported:

That, as represented to the committee, the citizens of that part of the country are desirous of having an act of incorporation for the construction of a rail-road from the village of Havana to the Chemung river, the whole distance about eighteen miles. The village of Havana is situated at the head of the navigable waters of the Seneca lake, where, no doubt would be entertained but if a rail-road or canal was to be constructed and in successful operation, would accumulate large quantities of the products of that part of the country; and the village of Elmira, situate on the Chemung river, would receive similar advantages in consequence of being at the other extremity.

From all that extensive country lying southerly from the latter place, comprising parts of the above mentioned counties, and likewise from a large section of the state of Pennsylvania, it would appear reasonable to suppose, that vast quantities of salt, plaster, lumber, wheat, coal and merchandize, would be necessary for the accommodation of its inhabitants, and might warrant the undertaking of capitalists to furnish the facilities of transportation.

If prosecuted, as appears to be contemplated by the petitioners, would add an increase of business to the Erie canal, and that without aid from the state, would be a sufficient inducement, in the mind of the committee, to recommend them favorably to the notice of the legislature to pass a law to incorporate a company with a capital of two hundred thousand dollars, for the purpose of constructing a rail-road from the village of Havana to the village of Elmira, on the Chemung river.

In recommending improvements of this character, the committee have expressed their views on a former occasion, which was favorable, so far as to give the rail-road system an opportunity of being tested in comparison with canals; and feeling an ardent desire that the great state of New-York may prudently progress in the grand march of internal improvements which it has so advantageously begun, with circumspection and a due regard to the interests of the state in the appropriation of its funds.

The committee entertaining a belief that the subject is important not only to this section of the state, but to the interest of the state generally; and being fully conscious of the propriety that a rail-road would possess one advantage over a canal,—it would furnish constant means for transportation at all seasons of the year, and for this reason it might be as desirable as the construction of a canal; either would, no doubt, promote the interest and prosperity of that extensive section of country.

It is represented to the committee, that rail-roads can be constructed at one-half the expense of a canal. If after the trial and experiments have been made in different parts of our state, this should prove so, the information would give new energies to our enterprising citizens, and constitute a strong argument in favor of this species of internal improvement; because it is not enterprise that we lack, it is capital to carry into effect the ingenuity which our geniuses are almost daily exhibiting as the proofs of their skill.

This road, if constructed, is intended to pass over a country admirably calculated for improvements of this kind; it being a gradual ascent from Havana to the summit level, a distance of about eleven miles, and from thence to the Chemung river a gradual descent, a distance of about seven miles. Under all the circumstances connected with the application, the committee have concluded that the enterprise would be useful to the public, and have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Havana and Chemung rail-road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Saratoga, praying for the passage of an act of incorporation to construct a turnpike road from Saratoga-Springs to Waterford, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Saratoga county turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, to which was referred the petition of Aaron M. Merchant, Jonas Humbert junior, and others, citizens of the city of New-York, reported:

That the committee have had the petition under consideration; think the object laudable, and that the prayer of the petitioners ought to be granted: They have prepared a bill accordingly, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the New-York sacred music society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of the board of trustees of the village of Buffalo, praying for certain amendments to the act incorporating said village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 2d, 1822;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, on so much of the annual report of the canal commissioners as relates to the Cayuga and Seneca canal, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act making further appropriation to complete the Cayuga and Seneca canal;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the select committee to which was referred the petition of sundry inhabitants of the counties of Montgomery, Saratoga and Schenectady, praying for an amendment to the bill entitled "An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk turnpike," passed April 10th, 1828, reported:

That the petitioners represent, that the commissioners named in said act, have examined, surveyed, and laid out the road from the village of Northampton in the county of Montgomery, to the Mohawk river, as authorised by said act: That said road will be of great public advantage: That the said act does not provide for the levying and collection of the damages to the owners of lands in the several towns through which the said road is laid out, as in ordinary cases: That said road was intended for the public benefit: That the same must be abandoned, unless provision is made for the collection of the damages, in the manner provided in cases where roads are laid out by commissioners of highways. The petitioners therefore pray that a law may be passed, authorising the damages to owners of lands to be assessed and paid by the towns respectively through which the road is laid out.

The committee are satisfied that the facts set forth in said petition are true, and that the prayer of the petitioners ought to be granted; and they have accordingly instructed their chairman to ask leave to introduce a bill, containing the provisions desired by the petitioners.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the select committee to which was referred the petition of sundry inhabitants of the towns of Amherst, Alden, Clarence and Erie, in the county of Erie, reported:

That the citizens who are petitioners in the present application, reside in the eastern part of the county of Erie: And at present, they receive their goods, and deliver their products which are intended for market abroad, at Buffalo, being the only point where they can reach the Erie canal with the customary loads usually transported in wagons: But at a distance of about twelve miles east of Buffalo, there is a creek called Ellicott's creek, which is susceptible of improvement by means of locks and dams, which will render it good navigation to the Tonewanta creek, which forms part of the Erie canal, at an expense not exceeding ten thousand dollars, and save them great expense in land transportation, as well as about fourteen miles from the village of Buffalo on the canal to where this creek intersects as above mentioned.

They ask for the incorporation of a company, with a capital of ten thousand dollars, for the purpose of making this improvement, and inducing the men who reside in the eastern part of the county, and are willing, to engage with their limited means in this enterprise. The committee do not perceive any objection. The amount of toll which it would be proper for the company to receive, should be prescribed by the canal commissioner who might have charge of the western section of the Erie canal, of which they state they have no objection to his being appointed for that purpose. The amount of business done upon this creek would no doubt be considerable, as at its head is the best water power in that county, and several mills are already in operation, besides being in a very fine wheat country, and of course the transportation of flour would be

an important item in sustaining the expense. The committee have therefore prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Ellicott's creek slack water navigation company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. K. Fuller, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the state prisons of this state," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of William C. Housman and James A. Housman," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Brown, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Presbyterian church of Peckskill," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. M'Crea, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act altering the October term of general sessions of the peace in the county of Delaware," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Hazeltine, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to continue the act for the employment of counsel for the purposes therein mentioned," reported. that they have examined the said bill, and prepared an amendment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the petition of sundry inhabitants of the county of Westchester, praying that a law be passed giving them the exclusive privilege of planting oysters adjoining their lands in the waters of the Sound or East river, reported:

That they have had the same under consideration; that the petitioners complain, that the inhabitants of the county of Westchester have the same privilege as themselves in relation to fishing or oystering opposite their lands in the waters of the Sound; and should they plant oysters, they would be the property of those who might take them, inasmuch as those waters are free to the inhabitants of said county, to use them as they may think proper. The committee are well aware that persons owning lands on the waters of the Sound, may be subject to the inconveniences set forth in the prayer of your petitioners; but they doubt the propriety of passing a law which would go to exclude by far the largest proportion of the inhabitants of the county of Westchester, from fishing or oystering on the shores or waters of the sound.

From these considerations, and others which might be suggested, they have come to the conclusion that the prayer of the petitioners ought not to be granted, and that the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act to incorporate the village of Brockport," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Phœnix, from the select committee to which was referred the petition of James E. Jones and others, of the town of Cameron, praying leave to construct a dam across the Canisteo river, reported:

That they have had the subject of the petition under consideration; and from their personal knowledge in relation thereto, believe that dams can be constructed in said river, for the purpose of raising a head of water to propel hydraulic works, without impairing or endangering the navigation of said stream: That where hydraulic works are erected on that river, they are essentially useful to the immediate neighborhood.

The committee are therefore of opinion that the prayer of the petitioners ought to be granted, and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Phœnix, according to leave, brought in the said bill, entitled "An act authorising James E. Jones to erect a dam across the Canisteo river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Johnson asked for and obtained leave to bring in a bill entitled "An act relative to inspectors of lumber in the county of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a select committee, consisting of the members attending this house from the county of Oneida, to consider and report thereon.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote of yesterday, on the bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange."

Ordered, That the said resolution be laid upon the table.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Eldridge: The same was again read, in the words following, to wit:

Resolved, That a committee of nine members be appointed, whose duty it shall be to examine all bills from time to time committed to a committee of the whole house, and report all such bills as in their opinion may with safety and propriety be referred to select committees to be reported complete; but that no bill shall be recommended to be referred, except with the unanimous consent of said committee.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the negative.

In pursuance of previous notice, Mr. Savage asked for and obtained leave to bring in a bill entitled "An act to incorporate the New-Hartford fire company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Judd offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the secretary of state is hereby required to cause to be published in a pamphlet form, chapter 20, titles 1, 2, 3, 4, 5, 6 and 7, of the first part of the Revised Statutes of this State; and seven copies thereof to be distributed to each of the town clerks of the several towns in this state, to be by him distributed to the supervisor, overseers of the poor, and the justices of the peace, and their successors in office in such town: And that the expense of such publication and distribution, be paid by the treasurer of this state, upon the warrant of the comptroller, out of any monies in the treasury of this state not otherwise appropriated.

Ordered, That the said resolution be laid upon the table.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of Daniel M'Inroy;" the said report being that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, MARCH 11, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Gerry, in the county of Chautauque, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of William L. Perce, an imprisoned debtor at the suit of the people of this state, praying to be discharged from imprisonment, was read, and referred to the committee on grievances.

The petition of the trustees and inhabitants of the village of Athens, praying for an amendment of their village charter, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the counties of Essex and Warren, praying for the passage of a law to authorise an increase of the bounty for the destruction of wolves, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the counties of Chenango and Madison, praying for certain legislative provisions tending to the improvement of the breed of horses in this state, was read, and referred to the committee on agriculture.

The petition of sundry inhabitants of the county of Chautauque, praying for the passage of a law to authorise the construction of a canal from Buffalo, through the valley of the Conewango creek, to the boundary line between this state and Pennsylvania, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the town of Remsen, in the county of Oneida, to authorise the appropriation of their poor funds to common schools in said town, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry mechanics and builders of the villages of Salina and Syracuse, in the county of Onondaga, praying for the passage of an act giving them a lien on buildings erected by them, the better to secure them remuneration for their labor and materials, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Salina, praying relief in consequence of the construction of the Oswego canal having rendered useless a side-cut at that place, was read, and referred to the canal commissioners.

The petition of Daniel Dunbar, of the town of Laurens in the county of Otsego, praying that the legislature may grant him a divorce, was read, and referred to the committee on grievances.

The petition of James Daggett, of the town of Clifton in the county of Saratoga, praying that the legislature may grant him a divorce, was read, and referred to the committee on grievances.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the Owego and Ithaca turnpike company, praying for a

certain amendment in their act of incorporation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act for the relief of the Owego and Ithaca turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the message of his excellency the Governor of the 2d March, laying before the Assembly a communication from the Secretary at War, asking a cession of jurisdiction to the United States, over certain grounds purchased by them, and appertaining to the arsenal at Watervliet, reported:

That the committee, in order to obtain such information as might be necessary to a full understanding of the views of the War Department on the subject of this communication, applied to Maj. G. Talcott, of the ordnance, now commanding the arsenal at Watervliet, and agent of the general government to negotiate for this cession of jurisdiction, for information.

Maj. Talcott appeared before the committee; and it appears from deeds and other evidences of fact, (in his possession,) in behalf of the general government, that the following purchases have been made from the accredited owners of the land, for the use of the arsenal: and the evidences of which purchases, to the satisfaction of the committee, are all recorded in the office of the clerk of the county of Albany.

The first purchase was in 1813, for 11 acres 3 roods and 14 perches; the jurisdiction over which has been ceded to the United States of America. The next purchase was in 1823, for about five acres; and the last in 1828, for 30 acres; the jurisdiction of which has not been ceded to the general government, but is now asked for.

Maj. Talcott informed the committee, that considering the advantageous location of the United States arsenal at Watervliet, the advantages of a water communication, affording an easy and cheap facility for the transportation of cannon and other munitions of war to and from this place, it was the intention of the general government not only permanently to maintain, but to enlarge this establishment.

Therefore, to afford room for the additional necessary buildings, particularly the magazine houses, which, for safety, ought to to be built remote from any of the other buildings, a jurisdiction was asked for no more than was necessary for the use of the arsenal.

The committee are not aware of any reasonable objections that may be offered against this further cession. They have advised with gentlemen of respectability residing within the immediate vicinity of this arsenal, and they know of none. But on the contrary, it having been intimated that a national armory may be established near that place, which, in connection with the arsenal, will not only afford employment to workmen, but be advantageous on many other considerations.

The only doubt, in the minds of the committee, has been as to the propriety of ceding the jurisdiction of so large a tract (about 50 acres) to the general government; and that too, almost within cannon shot of the very Capitol of their own state.

The committee, however, apprehend no danger; and believing that no evils will arise from it, have prepared a bill, reserving to this state a concurrent jurisdiction with that of the United States over this tract, in all civil and criminal prosecutions; and they have instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Brinkerhoff, according to leave, brought in the said bill, entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Falley, from the committee on the incorporation of cities and villages, on the petition of the trustees of the village of Saratoga-Springs, praying for an amendment of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend an act to incorporate the village of Saratoga-Springs;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. L. Livingston, from the select committee, consisting of the members attending this house from the city and county of New-York, to which was referred the memorial from the common council of said city, praying for an extension of the fire limits, reported:

The increase of population, and number of buildings recently erected in the 7th, 8th and 14th wards, require, in the opinion of the committee, that certain portions of said districts should be embraced within what is termed the fire limits. The propriety of such a measure, as the wishes and interests of the owners of property are residents within the several sections above mentioned, appear conclusively from the fact, that no objections have been made thereto; and the usual notices were given, to cause such objections to be made. Considerations of public policy strongly recommend the passage of the law prayed for, and the committee have accordingly prepared a bill, which they ask leave to present.

Ordered, That leave be given to bring in such bill.

Mr. C. L. Livingston, according to leave, brought in the said bill, entitled "An act further to extend the act passed April 11th, 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was committed the bill entitled "An act relative to inspectors of lumber in the county of Oneida," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A communication from the Surveyor-General was received, and read in the words following, to wit:

The surveyor-general, to whom, and the attorney-general, was referred by the honorable the Assembly the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes," in the absence of the attorney-general, respectfully reports:

That in his opinion, the second section of the bill requires a limitation which may be supplied by inserting in the third line, after the words "July last," the words *on account of their having valuable improvements on them;* and also after the word "*lots*," in the same line, the words *remaining the property of the state, and.* In the 4th line, for *and belonging* substitute *which belong*; at the end of the 6th line, add *exclusive of the improvements.*

The fifth section will effect an object which the superintendent of the salt springs considers important for the accommodation of business at the springs. He is of opinion that the leases for the salt manufacturing lots Nos. 17 and 18, ought not to be renewed, but left vacant, for the convenience of the pump-works near them; and for this purpose, he thinks the proposed arrangement will be as economical a means as can be adopted.

Presuming that this report embraces all that was intended by the reference, the other parts of the bill are passed by without notice.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*

March 11th, 1829.

Ordered, That the said bill and report be committed to a committee of the whole, and that the bill be restored to the same place on the general orders of the day, which it occupied at the time of its reference to the attorney-general and surveyor-general.

A communication from the commissioners for draining the Cayuga marshes, was read in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The commissioners for draining the Cayuga marshes, respectfully report, as follows:

The ditch at Jack's reefs was completed on the 26th of January last, and the waters of the Seneca river were let into it on that day. Before the ditch could be finished, strong dams were necessarily erected at each end thereof, to exclude the water of the river. Owing to the extreme severity of the weather, those dams have not yet been wholly removed, but continue to be very considerable obstructions to the passage of the water through the drain. And the channel necessary to be cut from the head of the ditch into the deep waters of the river, has not yet been perfected. Yet, notwithstanding these obstructions, the draining operation, since the water was let into the ditch, has gone on successfully, and has equalled, in its results, our most sanguine hopes and calculations. Cross lake, which crosses the Seneca river about one half of a mile above the ditch, and whose surface is estimated at eight square miles, has already sunk more than four feet. The waters of the river, on Jack's reefs, below the head of the ditch, have fallen so low, that one-half of the bed of the river has been left bare; and it is presumed that soon the water will entirely cease to run in the old bed of the river, and that the whole volume will pass freely through the ditch. On the bar at Musquito Point, twelve miles above the ditch, the water has sunk full three feet; and at Montezuma, along the Cayuga marshes, it has fallen at least eighteen inches, notwithstanding the intervening bar at Musquito Point has in no part been removed. This sinking of the waters has undoubtedly been caused, in some degree, by the coldness and dryness of the winter season; but it is perfectly manifest that it is mostly owing to the powerful passage of the waters through the ditch.

Pursuant to the advice of David Thomas, Esq., who is well known as an able and experienced engineer, a contract has been made for cutting a channel in the bed of the river, at Jack's reefs, to include about twenty thousand yards of excavation. This channel is considered necessary to assist the ditch in carying off the waters in high floods, and to prevent their rising so as to overflow the banks of the river. The bar appears to consist of small stones and gravel; and there is a prospect of draining it at a small expense. The length of the cut will be about fifteen chains, and the depth and price of excavation will be determined on further trial. The work has been commenced, and will, we trust, be vigorously prosecuted.

A contract has also been made, by the advice of Mr. Thomas, for excavating a channel in the bed of the river, on the bar at Musquito Point, one hundred feet wide, four feet deep at the highest part of the bar, and about sixty rods in length. This necessary and important cut will probably cost about five thousand dollars. It will soon be commenced, and will be urged on with the utmost despatch.

The labor and expense of removing the other bars and obstructions in the river, will be, comparatively, very small, and, as we hope, of easy execution.

We deem it a duty, which we owe to the legislature as well as to ourselves, to state, briefly, the principal causes which have impeded and greatly retarded the progress of the works, since they have been under our direction. During the summers, and part of the fall seasons, the unhealthy atmosphere and bad water along the Seneca river, have caused much severe, and in many instances, fatal sickness among the workmen, and have often made it difficult to keep on the works any thing like an adequate number of hands. Important contracts

have been abandoned by contractors, under circumstances calculated to occasion great embarrassments and delay. On the breaking up of the last winter. the floods in the river were so heavy, as to break the water wheel which was used to throw the water from the drain; and it was afterwards found to be very difficult to make a wheel sufficiently strong to operate efficiently, any considerable time, during the high floods. A raft of logs was driven agains the dam, which was built across the river for the purpose of carrying the water wheel, and made a large breach. The rains continued through the last summer and most of the fall, and the quantity of water to be thrown from the ditch was very great and perplexing: And in August last, the river unexpectedly broke through the dam, at the head of the drain, and destroying the lower dam, completely inundated the whole work; and it took much time and labor, afterwards, to erect dams sufficiently strong to keep the waters of river from breaking into the ditch.

Under all these embarrassing circumstances, and many more which might be stated, a ditch has been completed, which is at least 264 rods long, 40 feet wide, and, on an average, 24 feet deep; and has been cut through strata of earth and rock extremely difficult of excavation.

The monies expended in the construction of the works, up to this time, amount to very near $80,000. The exact amount cannot now be stated, owing to our not having been able to effect a settlement with one of our contractors. It cannot, however, vary but a few dollars from the sum mentioned.

The total amount drawn by our late treasurer, Doct, Geo. W. Fitch, has been faithfully paid over to us; and all the duties of his office have been ably and promptly performed.

The execution of the works, particularly those at Jack's reefs, cannot fail of greatly improving the navigation of the Seneca river. We learn with pleasure, that a steam-boat of considerable tonnage is now building, and in a state of forwardness, designed to navigate that river.

In conclusion, we express our confident expectations that the important works committed to our charge, will be wholly completed in the course of the present year, and that the great and interesting objects intended by the operations will be fully attained. We have no hesitation in declaring our firm belief, that the Cayuga marshes, and the other drowned lands in the valley of the Seneca river, will be effectually reclaimed, and that what has heretofore been emphatically a region of sterility, disease and death, will soon exhibit an extensive tract of land, free from a pestilential atmosphere, beautiful in location, and of unexampled fertility.

JOHN JAKWAY,
JETHRO WOOD,
Commissioners.

February 28*th*, 1829.

Ordered, That the said communication be laid upon the table; and that the usual number of copies thereof, be printed for the use of the legislature.

A communication from the canal commissioners was received, and read in the words following, to wit:

The canal commissioners, to whom was referred by the House of Assembly the petition of Andrew P. Tillman, claiming an allowance on his contract, for the performance of work on the Cayuga and Seneca canal, respectfully report:

That the petitioner and Wilson N. Brown entered into a contract, on the 28th day of August 1827, for constructing locks No. 3, 4, 5, 6, 7, 9, and 10, and sections No. 11 and 12.

An allowance is claimed on that portion of the work, which appertains to the construction of the locks.

The conract prices for this part of the work were, as follows, to wit: for constructing locks No. 3, 4, 5, 6, and 7, at the rate of $181, per foot lift; and fr locks No. 9 and 10, at the rate of $165 per foot lift; which price includes every expense necessary to a full completion of the locks, except excavating the lock pits, for which he was to receive twenty cents per cubic yard, except-

ing 200 cubic yards of lock pit No. 6, for which seventy-five cents per cubic yard was to be paid. Subsequent to the execution of the contract, the place of the locks was in some respects changed, which increased the quantity of timber, and the expense of their erection.

The pits of locks No. 3, 4, 5, and 9, were located near the margin of the Seneca outlet, and required to be sunk several feet below the surface of the water. The petitioner experienced serious, and no doubt unexpected, difficulties in performing this part of the work, and particularly in excavating the pit of lock No. 9, where the rock was found near the surface, and of the most difficult character.

The pits of locks No. 6 and 7, were mostly rock excavation; and also a portion of the pits of locks No. 4 and 10.

The petitioners contract prices were considerably below the value of the work.

He also claims that he has sustained a loss on other parts of his work.

The claim of the petitioner was presented to the canal board in February, 1828, and an allowance of $6,685 was made on such parts of the work as were rendered more expensive by new directions given by the commissioner or engineer, after making the contract; or where, in consequence of the work proving to be of a different character or description, than it was contemplated to be by the commissioner or engineer, at the time of making the contract.

By a reference to the estimate of the engineer, (which is hereunto annexed,) the nature and extent of the allowance will appear in detail.

It is believed that the petitioner has sustained a loss; but not by any means to the amount set forth in his petition.

WILLIAM C. BOUCK,
In behalf of the Canal Commissioners.

February 18th, 1829.

Ordered, That the said communication be referred to the committee on canals and internal improvements.

Ordered, That Mr. Titus have leave of absence for ten days.

Ordered, That the select committee of which Mr. Wheeler is chairman, be discharged from the further consideration of the petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law to regulate the admeasurement of wood and timber; and that the said petition be committed to a committee of the whole, when on the bill entitled "An act to authorise the appointment of inspectors of wood and timber in the county of Montgomery."

Mr. Skinner gave notice that he would, on some future day, ask leave to introduce a bill, to give effect to the 20th section of title 5 of the third part of the Revised Statutes, so far as it respects the county courts of the county of Genesee.

Mr. Judd gave notice that he would, on some future day, ask leave to introduce a bill to authorise a special meeting of the board of supervisors of the county of Dutchess.

Mr. Johnson made a motion that the house should agree to reconsider its vote of yesterday, on the resolution providing for the appointment of a committee of nine members, to select such bills as are proper to be referred to select committees to report complete.

Ordered, That the said motion be laid upon the table.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to inspectors of lumber in the county of Oneida," and the engrossed bill entitled "An act for the relief of Daniel M'Inroy," and find the said bills correctly engrossed.

The said engrossed bill, entitled "An act relative to inspectors of lumber in the county of Oneida," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of Daniel M'Inroy," was read the third time.

Resolved, That the bill do pass.

Ordered That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act relative to public notaries, and commissioners to take the acknowledgment of deeds in the city of New-York," with the amendments therewith delivered, one of the said amendments being to alter the title so as to read "An act relative to public notaries and commissioners of deeds in the several cities of this state."

Ordered, That the said bill and amendments do lie upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, MARCH 12, 1829.

The House met pursuant to adjournment.

The petition of the commissioners for opening books of subscription to the capital stock of the Catskill and Ithaca rail-road company, praying for an extension of the time allowed for receiving subscriptions, was read, and referred to a select committee, consisting of Mr. Dana, Mr. Austin and Mr. McCrea.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law directing the appointment of inspectors of wood and timber for said county, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the towns of New-Hartford and Westmoreland, in the county of Oneida, praying for the annexation of parts of those towns to the town of Kirkland, in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry citizens of the city of New-York, praying for the incorporation of a company by the name and style of the New-York coal company, with a capital of $50,000, was read, and referred to a select committee, consisting of Mr. Myers, Mr. J. Van Beuren and Mr. Bogert.

The petition of Erastus Crafts, of the town of Laurens, in the county of Otsego, praying for an extension of the time allowed for the payment of a loan made by the people of this state to Daniel Johnson, was read, and referred to the committee on grievances.

The petition of Jarard Root and others, inhabitants of the towns of Sand-Lake and Nassau, in the county of Rensselaer, praying for the passage of a law to authorise the extension of the Sand-Lake and Nassau turnpike road, to intersect the Rensselaer and Columbia turnpike road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Hopkinton, in the county of St. Lawrence, praying for the passage of a law to direct that certain alterations be made in the boundary lines of said towns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Orleans, praying for an extension of the gaol limits of said county, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the town of Westmoreland, in the county of Oneida, against a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The memorial of Robert L. Livingston, of the county of Columbia, praying for the passage of a law to direct that certain taxes, which have been improperly paid by him, be refunded, was read, and referred to the members attending this house from the county of Columbia.

The petition of Edward Tomlinson, John Bradley, Joshua Thompson and Matthew Lishman, of the town of Madrid in the county of St. Lawrence, praying for the passage of a law to enable them to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Erie, praying for the passage of a law to improve the navigation of Ellicott's creek in said county, by means of slack water navigation, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Albany, relative to the granting of bank charters, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of Thomas Bateman, an alien, praying that he may be authorised to purchase, take, hold and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the counties of Orleans, Genesee and Cattaraugus, praying for the passage of an act appointing commissioners to lay out a public highway from the village of Albion, in the county of Orleans, to Olean, in the county of Cattaraugus, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the town of Pittsfield in the county of Otsego, praying for the passage of an act to authorise the overseers of the poor to pay over certain monies to the commissioners of highways in said town, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to authorise the overseers of the town of Pittsfield in the county of Otsego, to pay certain monies to the commissioners of highways in said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Orange, praying that the Great Island turnpike company may be authorised to abandon a part of their road, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish a part of their road;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of the overseers of the poor of the town of Queensbury in the county of Warren, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill, entitled "An act to authorise the overseers of the poor of the town of Queensbury to sell a certain lot;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Holdridge, from the committee on the judiciary, to which was referred the petition of Mary Ann Byrne and others, infants, praying for the passage of a law to extend to them the provisions of the act passed March 24th, 1815, entitled "An act concerning infants," asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Holdridge, according to leave, brought in the said bill. entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the memorial of the New-York dry dock company, praying for certain alterations of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed 12th April 1825;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which were referred the petition of Lyman Littlefield and others, the petition of Elijah Butterfield and others, the petition of Daniel Payn and others, the petition of Samuel T. Shepherd and others, and the petition of Samuel Lewis and others, praying remuneration for damages sustained by the petitioners by the construction of the Champlain canal, and the report of the canal appraisers on the said petitions, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act to authorise the payment of damages occasioned by the erection and continuance of the Fort Miller dam in the Hudson river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Curtiss, from the select committee to which was referred the petition of the trustees of the First Presbyterian society in the town of Shelby in the county of Orleans, praying that they may be authorised to sell a certain lot of land, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Curtiss, according to leave, brought in the said bill, entitled "An act to authorise the trustees of the First Presbyterian society of the town of Shelby to sell a certain lot of land;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Myers, from the select committee to which was referred the petition of sundry inhabitants of the city of New-York. praying the incorporation of a company to be called the Manhattan gas light company, reported:

It appears to the committee, that the article of inflammable gas is very extensively used in the city of New-York for lighting the streets, as well as public and private buildings, and that its consumption is constantly increasing: That there is but one incorporated company in that city for its manufacture, which is now in operation; and that the demand upon it is so great, that the stock is now, and has for some time been, about seventy per cent above par; and that although another company was incorporated two or three years since for the same purpose, yet that it has never made any use of its privileges, and is confined to that part of the city which lies above Grand-street, where it is not to be expected that this article will for many years to come be much in demand.

The committee are informed, and believe that the gas manufactured by the present company is often of an inferior quality, and sold at a high price; and that great dissatisfaction among the citizens using it, has been thereby produced, inasmuch that many persons have relinquished the use of it, who would be va-

luable customers of a company which would furnish it pure, and at a reasonable price. The committee are of opinion, that to have the city well and economically lighted, is a matter of public concern; and that this object would be very much promoted by such a competition as would probably be produced by the creation of another corporate company for the purpose of manufacturing this important article.

They therefore think the prayer of the petition reasonable, and ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act to incorporate the Manhattan gas light company of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Skinner asked for and obtained leave to bring in a bill entitled "An act to give effect to the revised statutes relating to the county courts in the county of Genesee;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Judd asked for and obtained leave to bring in a bill entitled "An act to authorise a special meeting of the board of supervisors of the county of Dutchess;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of the members attending this house from the county of Dutchess, to consider and report thereon.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That all proceedings to compel payment of the amount due for lands, from the settlers on the southwest part of the New-Stockbridge tract, and of the Cowassalon tract, be suspended until the first day of December next; and on condition that the amount of two years' interest shall then be paid, such proceedings shall be further stayed for one year from that time.

Ordered, That the said resolution be laid upon the table.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act relative to inspectors of lumber in the county of Oneida," and the bill entitled "An act to confirm the appointment of superintendents of the poor-house in the county of Livingston," without amendment.

Ordered, That the clerk deliver the said bills to the Governor.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act concerning the collector of taxes in the town of Pendleton;" the bill entitled "An act to incorporate the Niagara water works company;" the bill entitled "An act relative to the Brooklyn fire insurance company;" the bill entitled "An act authorising the sale of certain lands in the village of Lewiston;" the bill entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike;" and the bill entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act concerning the collector of taxes in the town of Pendleton," was referred to a select committee, consisting of Mr. Garnsey, Mr. Burt and Mr. Fillmore; the bill entitled "An act to incorporate the Niagara water works company," was referred to a select committee, consisting of Mr. Garnsey, Mr. Burt and Mr. Mallory; the bill entitled "An act relative to the Brooklyn fire insurance company," was referred to a select committee, consisting of Mr. Wyckoff, Mr. Jones and Mr. Myers; the bill entitled "An act authorising the sale of certain lands in the village of

Lewiston," was referred to a select committee, consisting of Mr. Bradish, Mr. Garnsey and Mr. Lindsley; the bill entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike," was referred to a select committee, consisting of the members attending this house from the county of Washington; and the bill entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates," was referred to a select committee, consisting of Mr. Sheppard, Mr. Franklin and Mr. Myers, severally to consider and report thereon.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, in obedience to a resolution of the honorable the Assembly of the 25th ult., in the following words, to wit:

"*Resolved*, That the committee on claims be discharged from the further consideration of the petition of William Brayton and eighteen others, praying for a re-appraisal of damages done to their lands by the construction of the Champlain canal, and that the same be referred to the canal commissioners; and that they be requested to report to this house their opinion on the right of the petitioners to relief in the premises"; submit the following report:

The petitioners are the separate proprietors of lands through which the Champlain canal passes.

In the year 1825, they presented their claims for damages to the appraisers, who, after hearing the allegations of the petitioners, and examining the premises upon which the damages were claimed, made their award in each case, allowing damages to some who were most injured by the canal, and to the others awarding that the damages were counterbalanced by the benefits.

The appraisers, in pursuance of the provisions of the law, were bound by their oath of office, to balance the injuries and benefits, and to award damages in such cases only, and to such an amount as in their judgment the latter were counterbalanced by the former. In case of dissatisfaction, an appeal was given from the award of the appraisers, to the board of canal commissioners, if made within the time limited by law, and if not made within that time, the award was to be final and conclusive. None of the petitioners appealed within the time limited, or afterward; and they now ask the legislature for the passage of a law directing another appraisal of their damages.

If the Hudson and Delaware canal company occupied the same relations to the petitioners as the state does, the question which is implied in that part of the resolution of the honorable the Assembly, which requires the canal commissioners to give "their opinion on the right of the petitioners to relief," would be of easy solution. A petition to the legislature under like circumstances, and with a like claim against an incorporated company, or against an individual, could not, it is believed, be entertained; or, if it should produce the passage of a law for a re-appraisal, such law, annulling a statute of limitations *ex post facto*, and reviving claims which had become legally extinct, would doubtless be adjudged to be void by our highest judicial tribunals, on the ground that it was an unwarrantable interference with private rights.

Indeed, regarded as between individuals, the case presented by the petitioners is so entirely divested of difficulty, and the facts which they disclose are so repugnant to the prayer of their petition, that it ought, perhaps, to be presumed that the legislature did not, in this point of view, intend to require the expression of any opinion on the subject.

It will be assumed, then, in order to comply with the requirement as fully as possible, that the question upon which the expression of an opinion is demanded, involves the inquiry whether the petitioners have a "right" to relief against the state, which they would not have under like circumstances against an individual. A few preliminary remarks, however, on some of the allegations contained in the petition, may, perhaps, be proper.

The petitioners complain that one of the canal commissioners, from the commencement to the time he associated with the appraisers to assess the damages, had expressed an opinion "against the allowance of much, if any, damages, off-

setting against the damages, in most cases, the advantages in his opinion." They assume, that "to have their farms cut up and almost entirely ruined from the construction and continuance of the said canal, without any equivalent but the empty sound of advantages, when none exists, nor never, in any human probability, can be realized, is hard in the extreme and grievous to be borne." They complain that the state has exercised "the power and right in the choice of all the appraisers of these damages;" and they aver that "this may be considered by some, as striding some distance in assumption:" and to give a still stronger coloring to their grievances, they deprecate the appointment of one of the appraisers, "after his fixed and determined and declared opinions relative to great advantages to your petitioners." The petitioners state that "they are aware of the law under which these appraisals were made, and of the right of appeal"; "but of this law," (they say,) "and the proceedings necessary under it, in case of dissatisfaction in the allowance, most of your petitioners were ignorant, until the time to appeal had expired; and some of them conceived it almost useless to try to do any thing in getting a fair investigation, understanding the expressed opposition of one of the commissioners, who was attending with the appraisers, and which opposition your petitioners conceived uncalled for from him or any appraiser."

The petitioners further state, that "the appraisers did not take into consideration the expense of fencing, and that since their claims were passed upon, the fences have been neglected; and your petitioners understand that no further appropriation will be made by the state in fencing or repairs." And they allege, that "although this is but a small part of the damages, yet it is unreasonable that it should be borne at the expense of your petitioners, who are not in the least benefitted by the canal."

Such are, in substance, the alleged grievances upon which are founded the claim for a law authorising the re-appraisement of the damages claimed to have been sustained by the petitioners.

No resolution of the canal commissioners has yet been adopted, to abandon the fences on the canals; although such a course of proceeding has been contemplated. Much has heretofore been expended in rebuilding and keeping them in repair, but every effort to preserve them from the influence of that system of privateering which pronounces every species of public property to be a lawful prize, has hitherto been found ineffectual. And the result probably will be, that the canal commissioners will feel it to be their duty to apprise the legislature that no further expenditure will be made by them for this purpose, without some specific legislative authority and direction.

The allegation of the petitioners, that "they are not in the least benefitted by the canal," is worthy of consideration. They are in the aggregate, men of property and respectability, and if their judgments are not under the bewildering impulse of self-interest, are probably entitled to as much credence as would be allowed to any equal number of neighboring individuals in any section of the community.

Some of them reside in the village of Fort-Ann, and others in its vicinity. This village is between forty and fifty miles from the head of tide water at the city of Troy; and considering the badness of the roads at the time the canal was constructed, it will not perhaps be unreasonable to suppose that all the surplus productions of their farms, and all their supplies of merchandize, can be transported by the canal for one-tenth of the sum which it would have cost by land. If this supposition is well founded, it will result that the practical effect of the canal in this respect, has been to place their farms ten times nearer to market, or in other words, within four or five miles of the city of Troy. And if it could be shown that this supposition is much too large, still it is not perceived how it is possible to escape the conclusion that they are benefitted to the extent of the difference in price between water and land transportation, whatever that difference may be. And this is a benefit which will remain during the existence of the canal.

The disbursement of the great amount of money along the line, which was absorbed in the construction of the canal, by creating a market for labor and

for all kinds of provisions, must have been beneficial to the petitioners, as well as to others. The money which is annually expended in repairs, by creating a like market in proportion to its amount, cannot, it would seem, be void of benefit. The great increase of travellers and others, which the canal has created along its line, adds to the demand for every surplus production, and thereby gives an accelerating impulse to every branch of industry. If it is alleged that these benefits are imaginary, and not real, let him who makes the allegation answer why it is that flourishing villages are constantly springing up on the borbers of the canals.

If the Champlain canal were not now in existence, and if the petitioners, with all their knowledge of its advantages and disadvantages, had the offer of the canal, on the condition of a relinquishment of every claim and every hope of damages, what would be their decision? Delicacy to them ought perhaps to withhold the answer which forces itself upon the mind.

The owners of farms in every part of the state through which public highways pass, lose the use of the land occupied by the highway, and are moreover obliged to make and maintain the fences; and still, in a great majority of cases, the farms command a higher price than though no highway passed through them. Highways are frequently laid out four rods in width, and consequently occupy as much ground as the canal. But there is no public highway which offers one-fourth as much facility to transportation, or adds one-fourth as much value to the land through which it passes, as the canal does. And yet the canal has been fenced by the state, and damages in most cases have been paid.

The allegation of the petitioners, that one of the canal commissioners acted as an appraiser, who had expressed his opinion "against the allowance of much, if any damages, off-setting against the damages in most cases the advantages, in his opinion," is substantially true. The law required that one of the acting commissioners should be in all cases associated with the appraisers, in order to form a board; and it was thought that the acting commissioner could best perform this duty on the section which had been under his charge. And it is admitted, that he to whom the duty has been assigned by his associates, of drawing this report, is the commissioner against whom the reproaches of the petitioners are directed.

Let it not, however, be understood that these reproaches are made or received with the unkind feelings of personal hostility. If the object of the petitioners could have been attained without imputing injustice and oppression, it is charitably believed that the imputation would not have been made. And could the desire of benefitting themselves and of injuring the reputation of the commissioner, be put into opposite scales, there is no doubt that the former would infinitely preponderate over the latter. He who places himself as an impediment in the path which leads to the public treasury, may expect, if he is not crushed, to be at least trampled on and soiled by the feet which are intent upon gaining its threshold. But cupidity, in such cases, always predominates over malice; nor is the injury, perhaps, ever designed to be greater than will suffice to surmount the obstruction.

The appraisers, in the discharge of their duty, acted under the solemnity of an oath; and if it can be supposed that the commissioner was so regardless of the obligation, as to put its injuctions at defiance for the sake of doing injustice —an injustice which would bring upon him the vengeance of a numerous population, what can be said in extenuation of the conduct of his two associates, who might have made whatever award they pleased? The suggestion that they acted under his influence, is a miserable compliment to their consciences and understandings. And the same imputation is cast upon three of the canal commissioners, in the alleged hopelessness of an appeal.

The charge against the legislature, (which enacted the law providing for the appraisement) that they had exercised the power "in the choice of all the appraisers," and that "this may be considered by some as striding some distance in assumption," is worthy of notice. If the petitioners had been allowed by the law to select the appraisers, they would, doubtless have been saved from any supposed necessity of appealing to any other tribunal. But it may be asked,

what possible interest could influence the appraisers, selected as they were, to do any injustice to the petitioners? An injustice of this description could tend only to benefit the state at individual expense; and in such case there would be none to applaud and many to condemn.

The current of legislation has at all times, and on all occasions, set so strongly in an opposite direction, that no public officer, who should perpetrate individual injustice, in order to favor the public, could expect to be sustained. The law respecting the appraisement of damages, implies that the claimant may introduce testimony; but no provision is made to procure witnesses on the part of the public, nor is it made perjury to swear falsely against the state. The law constituting the canal board, has given to that board, by implication, the power of administering oaths to witnesses introduced by claimants, but no power to compel the attendance of witnesses on behalf of the state; nor do any pains or penalties await the grossest of false swearing against the public.

What private individual or incorporated company would make a canal under laws exhibiting such a total absence of every barrier to protect their rights. The rights of the Delaware and Hudson canal company (this company is mentioned, because there is no other canal company in the state,) are secured by law. All their contracts and the demands against them, when once adjusted, are disposed of forever. Nor have they any need of a canal board to hear and to re-hear such claims as are constantly preferred against the state.

The appraisers, the canal commissioners and the canal board, under the laws that have existed and now exist, are constrained to transcend their apparent duty as judges, in order to protect the state; or otherwise, to suffer the most exorbitant claims to be supported by the most extravagant testimony; and they are subjected to the censure of individuals, because they exercise the same functions in behalf of the state that a court of criminal jurisdiction does in behalf of a poor prisoner who is unable to employ counsel, and over whose head pains, penalties and imprisonment are impending.

That any legislature of this state has at any time exercised an "assumption" of power, which has operated to the sacrifice of individual rights and private property, cannot be maintained. In every pecuniary collision between the state and an individual, the state has almost uniformly been the sufferer. A retrospect of legislation for fifty years, will shew an immense amount distributed to individuals, in gifts, grants, loans, and the allowance of claims of all kinds and of every description. And time, which brings debility and decrepitude upon man and the works of his hands, seems to add vigor and maturity to claims against the public. Each successive legislature feels that what has been granted during the current session, is but of small moment to the whole community; and in this way the ceaseless stream flows on unobstructed: a minute of time is regarded by man as a trifling and unimportant period of duration; and thus minute after minute, steals insensibly away, until the whole fund of human life is exhausted.

Every pecuniary claim against the state that is presented to the legislature, or to any public officer vested with discretionary powers in the disbursement of public monies, is necessarily, from the nature of the case, *ex parte*. Such claim is generally magnified to its greatest possible extent; it is fortified by certificates and affidavits, and is urged and enforced with all the zeal and pertinacity which interest inspires. Nor is there any one with a like interest to contradict or gainsay it. The community is necessarily silent. It is a contest in which there is fearful odds on the side of the individual. The decision of such a claim calls into exercise kind and sympathetic feelings for the one side, while there exists a philosophic indifference for the other. It is the granting of a boon to one who is present, and who earnestly pleads his cause, at the trifling expense of the many who are absent and mute. The success of the claimant will perhaps create in him and his friends, an everlasting debt of graitude, while on the other hand there is none to censure or condemn. The rejection of the claim will excite feelings of resentment, while on the other side there is no one in behalf of the community to bestow applause. What wonder then,

that the sympathy and credulity of the legislature should be imposed on at every session by individual importunity? What wonder that a legislature of this state should have been heretofore so far deceived, as to have granted bounty lands to a soldier whose name appeared on the rolls of one of the regiments raised by this state, at the commencement of the revolutionary war, when in fact that soldier, shortly after his enlistment, deserted to the enemy, and fought during the whole contest against his country? What wonder that a legislature of this state should have paid seventy or eighty thousand dollars for a botanic garden, and that a succeeding one should have "cast it like a useless weed away"? What wonder that millions of the public monies should have been dissipated, for which the public have received no advantage whatever?

But in attempting to vindicate former legislatures from the charge of an "assumption" of power to oppress individuals, let not the intention be inferred of imputing to the government of this state, any unusual and uncommon profusion and extravagance. The corporation of the city of New-York, had, within a few years past, incurred a debt (if recollection can be depended on) to the amount of one million, two or three hundred thousand dollars; and the corporation of the city of Albany, a debt to the amount of about two hundred and fifty thousand dollars. And yet the members of the legislature of this state, for the last fifty years, under whose administration the immense fund arising from taxes, quit-rents, auction duties, salt duties, lotteries, and the sale of vast tracts of valuable land, &c., has been nearly dissipated, as well as the successive members of the corporations of the above named cities, have doubtless been as prudent and intelligent individuals, and as economical in their own concerns, as could have been selected in the community.

But for the causes which have in part been stated, public officers cannot manage the pecuniary concerns of a government as economically as they do their own. All governments ever have been, and ever will be the consumers, and not the producers of wealth. They are the graves of productive industry. And to the same extent that their pecuniary concerns with individuals are multiplied, will be the sacrifice to the community.

The experience which the canal commissioners have acquired in the disbursement of millions of the public monies, justifies the assertion that individuals often prefer claims against the public, and urge them with all the earnestness of apparent integrity, which claims are frequently so utterly groundless, that the same individuals would blush to prefer them against a neighbor. Man is required by the decalogue to love his neighbor as himself; and yet how few are there who yield obedience to this divine injunction. But until he shall not only love his neighbor, but the whole community as himself, he will, at every opportunity which is offered, and by every plausible pretext which interest can devise, prey upon the public property. And this propensity, arising from the selfishness which is blended with the mental organization of man, is never met and repelled by a like sensitiveness of interest on the part of the public or its officers.

If these, as general positions, are unsound, why does it happen that every public work costs more than it would cost to an individual? Why does it happen that members of the legislature, at every session, pass laws which dissipate the public funds, while as individuals they are careful and economical of their own? Why does it happen, that in loans of money made by the state to individuals on mortgage upon land, the land is abandoned to the state, while mortgages given upon purchases of land from the state are generally paid? Why does this happen, except that the money in the first instance is worth more than the land, and the land in the second instance is worth more than the money; and in both instances the state the loser, and the individual the gainer to the amount of the difference? Why otherwise does it happen, that in every pecuniary transaction with individuals, (as a general rule,) the state is a sufferer?

No man would apply to the public for a loan or any other favor which might be procured from individuals without legislative interposition, unless he ex-

pected to procure the loan or the favor below its market value, or on terms more favorable to his interest than individuals would give: and whatever advantage he gains in this way, is so much loss to the community.

If government makes an investment, or an expenditure, which does not return the capital with interest, the loss to the community is precisely the same, as under like circumstances it would be to an individual. There are not two kinds of economy, any more than there are two kinds of morality, or two kinds of results from the same mathematical premises. If two and two make four in all calculations between man and man, the same premises cannot produce six in an estimate between the government and an individual.

It has been supposed by some, that governmental munificence to individuals is not an evil, and that the disbursement of public monies in the community, even where no return of capital is expected, produces great benefits by adding an impetus to industry. That such is, to some extent, the temporary effect, can not be denied; but this benefit is necessarily local. And if it were general, it might be compared to the transitory benefit which an individual would enjoy, who, finding himself chilled with cold, should set fire to his house in order to warm himself by the consuming heat. In both cases, the temporary benefit would be succeeded by a loss nearly total. It is true that those individuals in the community, whose wealth should be increased by the disbursement, would in a like ratio be enabled to bear taxation; but this trifling gain to the community, would probably bear no greater proportion to the whole loss, than the ashes would to the value of the building.

If it is "right" for an individual to receive $100, or any other sum from the state, without an equivalent consideration; then it is "right" for every individual in the community to receive a like sum; or else there is fallacy in the declaration that "the rights of all men are equal." That the public should be just to individuals in its dealings with them, is an obvious principle; but legislative liberality seems to be a misnomer, and should be denominated injustice to the community; for how can it be called liberality in him who gives what is not his own? Legislative munificence is the road to debt, and debt leads to taxation; and that the latter is an evil, it is not difficult to maintain. If the whole amount of tax which might be imposed by any government, should be immediately returned to the individuals from whom it had been drawn, still it would follow, that all the labor of collection and distribution would be an entire loss to the community, because that labor is wholly unproductive of wealth. But when it is considered that the sum annually collected is never to be returned—that the burden falls upon every class and description of men—upon "the halt, the maimed and the blind"—and that the tax-gatherer, like the king of terrors, knocks at the cottage of the lowly and the poor, as well as at the mansion of the rich, it must be admitted that taxation is the most durable and oppressive calamity that the government of this state have the power of inflicting upon the community.

The commercial advantages enjoyed by the citizens of New-York and Albany, doubtless enable them to bear taxation with less inconvenience than it could be borne by all the citizens of the state who do not possess those advantages; and yet the load which is cast upon them by the interest of debt, and by contingent expenses, is annually deplored. But if this state, fifty years ago, had possessed no sources of revenue from lands, &c., the same course of legislation which has prevailed, must have accumulated, ere this, an amount of debt and taxes upon the whole population, superior to the amount under which, at present, the citizens of New-York and Albany labor. What would have been the situation of these cities at this time, if such double taxation had pressed upon them? The accession of foreign capital and enterprise would have been checked; for no man, other things being equal, will lay his bones, and leave his posterity, in a land of taxation. But the avails of public lands, and other sources of revenue, having been already nearly extinguished, a resort to annual taxation to defray the ordinary expenses of government, is near at hand; and when once imposed, can never afterwards be discontinued, without contracting debts

by borrowing on public credit. And should the same current of legislative munificence as has prevailed, sweep along for fifty years to come, it is not difficult to foresee, that even the next generation will be overwhelmed with grievous burdens.

There is no other means of creating wealth, than by productive labor; and every dollar which is unproductively expended by government, is a tax to that amount upon the industry of the community. The evil consequences resulting to an individual from his pecuniary extravagance in contracting debts, terminate with his existence; but the same consequences arising from like causes in public functionaries, who are entrusted with the funds of the public, and with the power of contracting debts, communicate their disastrous effects in perpetuity, because communities never die.

If the true test of every human action is its consequences; and if that act is the best which has the strongest tendency to augment the sum of human happiness, and that the worst, which tends the most directly to an opposite result; it is not perceived why a want of economy in public expenditure is not more reprehensible than want of economy in a private individual. And if economy in an individual is a virtue, economy in a public functionary would seem to be infinitely more worthy of the appellation.

Whatever is dissipated by government, is a tax to the same amount upon the productive labor of the governed. If the value of a dollar is a day's labor, then every dollar which is unproductively expended, imposes a day's labor upon the community.

Should a legislature of this state pass a law consigning an individual, upon whom no offence whatever was charged, to a year's hard labor, the feelings of humanity would revolt at the injustice. But, adopting the supposition that 250 days' labor is the average number performed annually by the laboring classes, (deducting Sabbaths, sickness and other contingencies,) it will follow that every amount of $250, which is dissipated in legislation by grants or unproductive expenditures, is tantamount to a sentence of condemnation upon the community, to a year's hard labor. And in both cases, the labor would be imposed upon the innocent and unoffending. It is true, that the labor imposed by governmental profligacy, is not "solitary"; and those who suffer under the sentence, have all the melancholy consolation which can be derived from a community of misery.

The state of New-York might, perhaps, borrow on its own credit, hundreds of millions of dollars, and distribute the money among the present generation of its citizens, leaving the grievous load of debt to be paid by postority. But who would not recoil with horror from such a proposition? And if the principle is manifestly immoral and wrong, can any approximation to it be right?

Posthumous praise or censure, it may be said, cannot affect him upon whom they are bestowed: And yet every cultivated mind feels an instinctive desire of the former, and dread of the latter. Was not this desire instilled into the human heart by the beneficent God of the widow, the fatherless and the poor, as a kind monitor to plead, in anticipation, their future cause;—to admonish man, by the sufferings of humanity, from which himself cannot escape, not to add gratuitous burdens to the necessary ills of life?

A sincere conviction of the truth of the foregoing considerations, induces the conclusion that an individual is not, in any case, entitled against the state to any other relief, than would be his due, under like circumstances, from another individual. And the petitioners having had the same measure of right dispensed to them, that one individual could enforce against another by the laws of community, which are founded on the principles of justice, the "opinion" is clearly entertained, that they have no "right" to any other or further relief.

Respectfully submitted,
In behalf of the canal commissioners,
S. YOUNG,

11*th March*, 1829.

Ordered, That the said communication be referred to the committee on claims, and that the usual number of copies thereof be printed for the use of the legislature.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have the honor to lay before you a letter from Mrs. Elizabeth Hamilton, first directress of the Orphan asylum of the city of New-York, together with a petition soliciting the aid of the legislature. The facts stated in the communication signed by this venerable and worthy matron, shewing the successful operations of the institution over which she presides, and in the properity of which she takes so lively an interest, reflect the highest honor on those to whom its affairs have been entrusted; and cannot, I am confident, fail to secure the early, respectful, and favorable consideration of the legislature.

MARTIN VAN BUREN.

Albany, *March* 12, 1829.

Ordered, That the said message, together with the message accompanying the same, be referred to the committee on colleges, academies and common schools.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE SENATE AND ASSEMBLY.

GENTLEMEN,

The President, with the advice and consent of the Senate, has appointed me Secretary of State of the United States; and I have felt it my duty to accept the unsolicited and distinguished honor which has thus been conferred upon me.

This decision makes it necessary that I should resign the office of Governor of this State, to which I have recently been elected.

The high and just distinction universally accorded to this office, and the flattering manner in which it was bestowed upon me by the people, are of themselves sufficient to impose upon me, in the step I am about to take, a responsibility of the most impressive character. But these considerations, imposing as they are, are greatly enhanced by the deep consciousness I entertain of the many and unmerited favors conferred upon me by this my native State—favors which have excited on my part, feelings of gratitude, that will, I hope, be as permanent in their influence, as they were just and sincere in their conception.

The latter portion of my public life having been chiefly devoted to the affairs of the general government, I indulge the hope that the place to which I have been called, will enable me to make myself more useful, not only to our fellow-citizens of the Union, but to the people of this State, than I could be in my present station. For although the State of New-York, from the extent of her territory, the abundance of her resources, and the magnitude of her population, possesses in herself the elements of a great empire, and already presents interests deserving the highest care; yet under our confederated system, these very considerations give to her a paramount interest in the just operation of the Federal Government. It is, therefore, under the full conviction that our constituents are at least as deeply interested in the successful conduct of the important affairs with which I am hereafter to be connected, as in the administration of those which appertain to the chief magistracy of this State, that I have come to the conclusion already stated. And with these impressions as to the course of public duty, I do hereby resign the office of Governor of the State of New-York, together with that of Regent of the University thereof.

The few months during which the executive power has been entrusted to my hands, have been sedulously devoted to the service of the State; though I cannot flatter myself, so far as I am individually concerned, that much has as yet

been done to promote the public good. I have, however, the best reasons to hope for the most beneficial results to our constituents from our joint labours, and more especially from the efforts which you will continue to make in this respect. This confidence is justly increased by the conviction that I leave the executive department in the hands of one with whose character and qualifications I have long been intimately acquainted. If ample talents, and a sound discriminating judgment—if integrity and singleness of purpose, and truly republican principles, furnish any just grounds for expecting a safe administration of the government, that expectation, I am persuaded, may, in the present instance, be fully indulged.

Having thus surrendered the trusts with which I have been honored, allow me to tender you my sincere acknowledgments for the uniform courtesy and kindness with which you have co-operated with me in the discharge of our public duties; and let me add the assurance, that in whatever situation I may be placed, the interest and the glory of New-York, shall be the objects of my unceasing solicitude and most vigilant exertions.

MARTIN VAN BUREN.

Albany, March 12, 1829.

Thereupon,

On motion of Mr. Mann,

Resolved unanimously, That the congratulations of this House be presented to His Excellency Martin Van Buren, late Governor of this State, on his appointment to the office of Secretary of State for the United States; and that while we deeply feel our separation from one with whom we have been associated in the discharge of important public duties, as well as in social and friendly intercourse, we cannot forbear to felicitate the republic on the acquisition of his services in the councils of the nation.

Resolved, That the Speaker of this House transmit to His Excellency Martin Van Buren, a copy of the foregoing resolution.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

FRIDAY, MARCH 13, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Haverstraw in the county of Rockland, praying for the passage of a law to alter the time of holding the annual town-meetings of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Marshall in the county of Oneida, praying for the incorporation of a bank, to be located at Waterville in said county, was read, and referred to the committee on the incorporation and alteration of charters of banking and insurance companies.

The petition of John L. Sullivan, praying for an appropriation by the legislature, to defray the expense of certain experiments in relation to rail-roads and rail-road carriages, was read, and referred to the canal commissioners.

The petition of William A. Moore and others, of Fort-Ann in the county of Washington, praying for the incorporation of a bank, to be located at Whitehall, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the town of Fort-Ann in the county of Washington, praying legislative aid to construct a road from Whitehall northward along the west shore of Lake Champlain, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Samuel Pruyn and S. De Witt Bloodgood, of the city of Albany, praying to be relieved from the consequence of an error in the tax list of the third ward of said city, was read, and referred to the committee on the judiciary.

The petition of the firemen of the city of Troy, praying for an act of incorporation for purposes specified in the petition, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Madison, praying for the incorporation of a company by the name and style of the Canastota turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Ulster, praying for the incorporation of a company for the purpose of constructing a turnpike road across the Shawangunk mountains, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of John Vigues of the county of Ulster, and Andrew Bradbury of the county of Otsego, aliens, severally praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The remonstrance of sundry owners of mills, and others, residing in the vicinity of Mud creek in the county of Steuben, against the repeal of the law relative to the navigation of that creek, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the First Congregational church and society of the town of Worcester in the county of Otsego, praying for the passage of a law to alter the name of said society, was read, and referred to the committee on the incorporation of charitable and religious societies.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of the president, directors and company of the Montezuma turnpike road and bridge company, praying for an alteration in their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act changing the day of annual meeting of the Montezuma turnpike and bridge company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Junius in the county of Seneca, praying for a division of that town, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Junius in the county of Seneca, into four towns;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Gerry in the county of Chautauque, praying for a division of that town, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Gerry in the county of Chautauque;" which was read

the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of the supervisors of the county of Ontario, praying for authority to raise a sum of money for the purpose of repairing the jail of that county, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money, for the purpose of repairing the jail of said county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bradish, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising the sale of certain lands in the village of Lewiston," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Sheppard, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Wyckoff, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the Brooklyn fire insurance company," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Garnsey, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the collector of taxes in the town of Pendleton," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Garnsey, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Niagara water-works company," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Myers, from the select committee to which was referred the petition of sundry inhabitants of the city of New-York, praying the incorporation of a company to be called the City coal association, reported:

It appears to the committee, that the petitioners, in the year 1825, purchased several large tracts of land in the state of Pennsylvania, near the line of this state, containing extensive beds of valuable coal, the cost of which was about twenty thousand dollars. The individuals concerned, now find, that in order to facilitate the getting of their coal to market, it will be necessary for them to make further disbursements to a large amount; and as their interests in the property are unequal, and various changes and transfers will be required to be made; and inasmuch as individual proprietors are not willing to risk the whole of their property in an experiment of this sort, their operations would be very much assisted, and their undertaking advanced, by an act of incorporation.

As the object of the company is an important one, that of furnishing the New-York market with fuel at a reduced price, and as the association is to be confined in its operations to that one object, the committee are disposed to encourage an enterprise, which, if it should prove successful, would be productive of public benefit; and if it should fail, could not result in injuring any except those immediately engaged in carrying it on. They therefore recommend that the prayer of the petitioners be granted, and ask leave to introduce a bill incorporating the said association.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act to incorporate the City coal association;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Austin, from the select committee to which was referred the petition of the commissioners under the act to incorporate the Catskill and Ithaca rail road company, reported:

That it appears from the said petition, and is also within the personal knowledge of some of the members of the committee, that the survey of the said rail road has been commenced by an engineer of the United States; but in consequence of the extent of the work, has not been completed.

By the act incorporating the said company, the books are required to be opened on or before the 21st day of April next, for subscriptions of the stock of the company; and as the survey has not been completed, it cannot be expected that capitalists will now be willing to subscribe for the stock, and the petitioners apprehend that it may have an injurious effect upon the prospects of the company, to open the books at a time when subscriptions cannot be expected.

They therefore request, that the time for opening the said books may be extended for one year, to enable them to complete their survey, and obtain the report of the engineer, which the committee think reasonable; and have prepared a bill for the purpose, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Austin, according to leave, brought in the said bill, entitled "An act to amend the act to incorporate the Catskill and Ithaca rail road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. McNiel, from the select committee to which was referred the petition of sundry inhabitants of the towns of Cambridge, Jackson and White Creek in the county of Washington, praying that a law may be passed to prohibit the setting of nets or traps, to obstruct the fish from running in the outlet of what is called McLean's ponds, reported:

That they have had the same under consideration, and believe the following to be the facts connected with the petition:—Numbers of the petitioners united in the expense of procuring from Lake Champlain a particular kind of fish; for the purpose of having them increase, a law was passed to prevent fishing in the ponds for the term of four years.

Subsequent to the expiration of that law, the setting of nets or traps at the outlets, has been practised by those in the immediate vicinity, by which the fish are entirely prevented from passing into the sreams issuing from the ponds. Of this, the petitioners complain as a violation of implied good faith, and as being evidently detrimental to the rights of those equally interested.

Under this state of facts, the committee believe that the prayer of the petitioners is reasonable, and have prepared a bill, which their chairman is instructed to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. McNiel, according to leave, brought in the said bill, entitled "An act to prevent fishing by nets or traps in the town of Jackson, in the county of Washington;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. M'Neil, from the select committee, consisting of the members attending this house from the county of Washington, to which was referred the engrossed bill from the Senate, entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Holdridge, from the select committee to which was referred the memorial of Robert L. Livingston, reported:

That the assessors of the town of Clermont, for several years, under a probable misconception and construction of the act for the assessment and collection of taxes, assessed him for real property situate in the town of Redhook in the county of Dutchess, lying contiguous to his residence and part of his farm. The committee, on reference to that act, are of the opinion that such assessments and collections were illegal; and that the amount so paid by him, together with the lawful interest on the same, ought to be refunded to him. And as the amount thus paid has been applied to the benefit of the town of Clermont, they are of the opinion that the amount should be re-assessed on the taxable inhabitants thereof. They are therefore of opinion that the prayer of the memorialist ought to be granted; and they have prepared a bill for that purpose, which they have directed their chairman to ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Holdridge, according to leave, brought in the said bill. entitled "An act for the relief of Robert L. Livingston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Judd, from the select committee to which was committed the bill entitled "An act to authorise a special meeting of the board of supervisors of the county of Dutchess," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the resolution of the Senate of Wednesday last; the same was again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That all proceedings to compel payment of the amount due for lands, from the settlers on the southwest part of the New-Stockbridge tract, and of the Cowassalon tract, be suspended until the first day of December next; and on condition that the amount of two years' interest shall then be paid, such proceedings shall be further stayed for one year from that time.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

The house then proceeded to the consideration of the resolution offered by Mr. Edgerton on Tuesday last; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote of yesterday, on the bill entitled "An act to erect a new town from parts of the towns of Walkill, Goshen, Blooming-Grove, New-Windsor and Montgomery, in the county of Orange."

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the negative.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes;" the said report being that the committee had gone through the said bill, made an amendment thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the village of Brockport," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the village of Brockport," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit :

{AYES 93}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hubbell	Mr. Sanford
Mr. Allison	Mr. Eldridge	Mr. Ives	Mr. Savage
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. Fillmore	Mr. Judd	Mr. Sheppard
Mr. Austin	Mr. Fitch	Mr. Keith	Mr. Sill
Mr. Bailey	Mr. Fleming	Mr. Lindsley	Mr. Sloughter
Mr. C. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. A. Smith
Mr. Baragar	Mr. Franklin	Mr. H. W. Livingston	Mr. L. Smith
Mr. Bradish	Mr. P. C. Fuller	Mr. Mallory	Mr. Soper
Mr. Brinkerhoff	Mr. W. K Fuller	Mr. Mandeville	Mr. Speaker
Mr. Brown	Mr. Garbutt	Mr. Mann	Mr. Spier
Mr. Burt	Mr. Gardiner	Mr. Mathews	Mr. Stanton
Mr. Cargill	Mr. Garnsey	Mr. J. M'Donald	Mr. Starr
Mr. Carley	Mr. Goodman	Mr. W. M'Donald	Mr. Taber
Mr. Case	Mr. Gosman	Mr. M'Niel	Mr. Tailor
Mr. Chandler	Mr. J. Hall	Mr. Mixer	Mr. Tower
Mr. Collier	Mr. Hammond	Mr. Morell	Mr. P. Van Beuren
Mr. Curtis	Mr. Hascall	Mr. Noble	Mr. Waugh
Mr. Dana	Mr. Hazeltine	Mr. Norton	Mr. Wheeler
Mr. Davenport	Mr. Hedges	Mr. Paige	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Partridge	Mr. Williamson
Mr. Dean	Mr. Holdridge	Mr. Phoenix	Mr. Wyckoff
Mr. Defreest	Mr. Hubbard	Mr. Redfield	Mr. Young
Mr. Dickson			93

Ordered That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise a special meeting of the board of supervisors of the county of Dutchess," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to authorise a special meeting of the board of supervisors of the county of Dutchess," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit :

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills :

"An act to confirm the appointment of superintendents of the poor-house in the county of Livingston."

"An act relative to inspectors of lumber in the county of Oneida."

E. T. THROOP.

Albany, *March* 13, 1829.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit :

Resolved, (if the Assembly concur,) That the Legislature will adjourn on the first Monday of April next.

Ordered, That the said resolution be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, MARCH 14, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry inhabitants of the town of New-Hartford, in the county of Oneida, against a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The memorial of sundry inhabitants of the county of Tompkins, praying for the renewal of the charter of the Bank of Newburgh, and for a continuance of its branch at Ithaca, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Four several petitions of sundry inhabitants of the county of Tompkins, praying for the incorporation of a new bank, to be located in the village of Ithaca, were read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The memorial of the American Institute of the city of New-York, relative to the banking capital of this state, was read, and committed to a committee of the whole when on the bill upon that subject.

Ordered, That the usual number of copies of the said memorial be printed for the use of the legislature.

The remonstrance of sundry inhabitants of the town of Pomfret, in the county of Chautauque, against a division of that town, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Manlius, in the county of Onondaga, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry citizens of the city of Troy, praying for the passage of a law to provide for the election of justices of the peace in and for that city, by the people thereof, at their annual elections for charter officers, was read, and referred to a select committee, consisting of Mr. White, Mr. Heermans and Mr. Starr.

The petition of sundry inhabitants of the town of Junius, in the county of Seneca, praying for a division of that town, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the village of Amsterdam, in the county of Montgomery, praying for the incorporation of a bank, to be located in that village, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of John Shields, of the town of Homer, in the county of Cortland, praying for the passage of a law to change his name, was read, and referred to a select committee, consisting of Mr. Curtiss, Mr. Carley and Mr. Williams.

The petition of the board of supervisors, and other inhabitants of the county of Allegany, praying for a loan from the state for the purpose of erecting a poor-house in that county, was read, and referred to a select committee, consisting of Mr. Fitch, Mr. Phoenix and Mr. Graves.

The remonstrance of sundry inhabitants of the town of Manheim, in the county of Herkimer, against the appointment of commissioners to lay out a certain road in that town, was read, and referred to a committee of the whole when on the bill upon that subject.

The petitions of sundry inhabitants of the counties of Washington, Essex and Clinton, praying aid from the legislature to construct a road from Whitehall, northward, along the west side of Lake Champlain, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Savage, from the committee on grievances, to whom was referred the petition of the inhabitants of the town of Chatham, in the county of Columbia, for an act relative to a public burying ground in said town, reported:

That the facts set forth in the petition, are, that for a period of forty years, there has been a piece of ground appropriated for the use of a public burying ground, and at this day it is full, or nearly so, of the dead; that adjoining said burying ground, the inhabitants are desirous of annexing about half an acre of land, owned by one John J. Rowe, which the inhabitants think will sufficiently enlarge their present ground for the reception of the dead of that town; therefore they ask the legislature to pass an act authorising three commissioners to value this said half acre of land, owned by John J. Rowe, and annex the same to their burying ground, on their paying Rowe the appraised value. The committee are of the opinion that it is not for the legislature to interfere in private and local affairs, as the constitution secures to the individual his property, unless it be for public use or improvement. And this application being for a private use, the committee have directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Ordered, That the said report and resolution be laid upon the table.

Mr. Soper, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Kings, relative to the time of holding the courts of common pleas and general sessions, and the erection of a court-house in said county, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Soper, according to leave, brought in the said bill, entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of Andrew P. Tillman, and the report of the canal commissioners thereon, with the accompanying documents, reported:

That an examination of the facts set forth in the petition, and the papers which accompany it, has satisfied the committee that the petitioner is entitled to the relief prayed for.

As the facts upon which the relief prayed for is grounded, are set forth in the petition and the affidavits accompanying it, the committee deem it unnecessary to detail them particularly in their report. They entertain the opinion that the subject is properly referable to the decision of the canal board; and inasmuch as the board entertain doubts as to their power to act in the premises, without the sanction of an act of the legislature, the committee have prepared a bill accordingly. They conceive that the petitioner might sustain great injury and loss, if the legislature should withhold its aid, in a case in which the request of the petitioner is not only reasonable, but is in accordance with principles of justice and equity. They therefore ask leave to bring in a bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act for the relief of Andrew P. Tillman;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the petition of sundry persons residing at and near the head of Seneca lake, praying for the passage of a law to authorise the canal commissioners to reduce the waters of that lake, and the remonstrance against the same, together with the report of the canal commissioners on that subject, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Johnson, according to leave, brought in the said bill, entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Haverstraw in the county of Rockland, praying for an alteration of the time of holding the annual town-meetings in that town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act concerning the revised statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fleming, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Orleans, praying for the passage of a law to authorise an extension of the jail limits of that county, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Fleming, according to leave, brought in the said bill, entitled "An act to enlarge the liberties of the jail in the county of Orleans;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the report of the canal board on the petition of Darius Eggleston, praying for the passage of a law authorising the canal board to settle his claims for extra allowances on a canal contract made in 1827, together with the report of the canal board on said petition, have directed their chairman to report for the consideration of the house the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Ordered, That the said resolution be laid upon the table; and that the report of the canal board on the said petition, be printed for the use of the legislature.

Mr. Mann, from the committee on claims, to whom was referred the petition of John H. Lamson, Manley Vickery and Amos Mace, together with certain documents communicated by the comptroller in relation to the subject matter of the petition, reported:

The petitioners represent that they were sub-contractors under Messrs. Cady, Case & Co., for the construction of section No. 6, on the Oswego canal; that the work to be done on the said section by the terms of the original contract, was the construction of a tow-path on the natural bank of the Oswego river, and that the plan of the work was afterwards changed by direction of the engineer, (pursuant to the provisions of such contract,) who is of opinion that the value of the labor done by the petitioners, according to such directions, is worth but just one half as much as the petitioners believe they are entitled to receive from the state: that in February, 1828, Cady, Case & Co. presented their petition to the canal board, praying an extra allowance for work done on sections No. 6, 7 and 12, on the Oswego canal, for which they were original contractors; and they claimed to be allowed as follows on said section No. 6:

For removing a large quantity of flood wood in the dead water of the Oswego river, not named in the contract, $500.

For making tow-path on the bank of the river, which was abandoned by the engineer, and directions afterwards given to dock out into the river, $250.

And the petitioners state, that on the petition of Cady, Case & Co., the canal board heard evidence: that the engineer who had charge of the said canal, testified that the contractors had received a full and fair compensation for the work done on said section No. 6: that on sections 7 and 12, the contractors had sustained losses, and were entitled to extra compensation: that previous to the determination of said board, (but after the engineer had delivered his evidence,) the claim of $500 above specified, was withdrawn by Cady, Case & Co., and that the canal board determined "that the contractors were not entitled to any extra allowance for work done on section No. 6, and that they were entitled to an extra allowance for work done on sections Nos. 7 and 12"; and they accordingly allowed to the original contractors the sum of $8.866.06.

The petitioners allege that they are entitled to any extra allowance, to be made on section No. 6, and complain that the canal board now refuse to hear them or to again consider the subject of allowance on said section, because they have once adjudicated upon it; while the petitioners aver that their claim was withdrawn by Cady, Case & Co. from the consideration of said board; and they now pray for the passage of a resolution, or a special law in the nature of a writ of mandamus, to direct the canal board to do their duty more in accordance with the interests of the petitioners.

The petitioners do not pretend that Cady, Case & Co., in claiming an extra allowance on section No. 6, acted without authority from them; and the state of the matter probably is, that finding the engineer testified that the contractors for section No. 6, had received a full and fair compensation, they had little hope of reaching the threshold of the treasury, on that section, concluded that fortune might be more propitious to the petitioners, on their direct application for admission to its favors.

If the canal board neglect or improperly refuse to perform the duties of their office, the supreme court, possessing the prerogative control, by common law, of all inferior tribunals charged with special or general duties in the administration of the laws, can afford to the petitioners all the relief to which they claim to be entitled.

The legislature, by statute, have defined the duties of the canal board, and required their performance; and it could do little good to repeat that requisition, as if they should prove contumacious, a resort to the judicial tribunals would still be requisite to enforce obedience. In every point of view which the committee have been able to take of this subject, they are unanimously of opinion that the prayer of the petitioners ought not to be granted; and they have directed their chairman to submit for the consideration of the house, the following resolution:

Resolved. That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

A communication from the commissioners of the land-office, was read in the words following, to wit:

The commissioners of the land-office, to whom has been referred the petition and documents of Joseph Mather, "praying for remuneration of his expenses in defending the title to a certain lot of land;" and also a resolution of the honorable the Assembly, requesting the said commissioners to report to that house "their opinion on the equity of the petitioner's claim," respectfully report:

That the petitioner sets forth, that in the year 1797, he purchased of one Ebenezer Butler, junior, about 133 acres of land, on lot No. 63, in the town of Pompey, in the county of Onondaga, for which he paid to the said Butler the price of $4 per acre; that at about the same time he moved on to the said lot,

and began and continued to clear and improve the same, until some time in the year 1811, when the petitioner was served with an ejectment for the said lands, at the suit of William Burt and Mercey Shaw, who pretended to be the heirs of John Shaw, the revolutionary soldier, to whom this lot, No. 63, in Pompey, was awarded for his services in the army of the revolution; that the petitioner employed Wood and Birdseye as his attornies to defend this ejectment, and that the necessary steps were taken to permit the cause to be noticed for trial at the Onondaga circuit, in the summer of 1812; that *previous* to the time when the said cause was noticed for trial, the petitioner had examined the facts in relation to the title to the said lot, and had *satisfied himself* that John Shaw, the revolutionary soldier, to whom this lot really belonged, had died in service and *without heirs*, and that this lot, No. 63, in Pompey, had therefore escheated to the state, and that the title was really in the state and not in either of the parties to the ejectment suit; that thereupon the petitioner, and the other persons interested in other parts of the said lot, by the advice of their counsel, determined to inform the attorney-general of the state of these facts, and to have the escheat upon the said lot regularly perfected, and that in pursuance of this design, they appointed Nathan Williams, one of the tenants upon the said lot, to give the necessary information to the attorney-general; that this duty was discharged by the said Williams, and that therefore the petitioner did not prepare to defend the said ejectment suit at the circuit court for the said county of Onondaga, in 1812, as he supposed the same would be defended by the attorney-general of the state; that finding nothing had been done by the attorney-general to defend the said suit, the petitioner got the trial put off until the next circuit court, which would be in 1813, under the belief that before that time the escheat of the said lot would be perfected; that he did not learn that this had not been done until a short time before the holding of the circuit in 1813, and therefore he was illy prepared to try the cause at that circuit, and that, for the want of due preparation, the verdict upon the said trial was rendered in favor of the lessors of the plaintiffs in the said action of ejectment; that by advice of his counsel, and from a conviction that the title of the plaintiffs was bad, the petitioner made application for a new trial, which was granted to him, and that the said cause came on to be tried the second time at the circuit court for the said county, in 1814; that at this time the petitioner was fully prepared for the said trial, and to show that the title to the said lot was not in the plaintiffs in the said action, but in the state; that the said plaintiffs, being aware of this fact, did not proceed to the trial of the said cause, but abandoned the same; and that a judgment, as in case of non-suit, was entered against them.

The petitioner further states, that some time in the years 1813 or 1814, another action of ejectment was commenced against one Norris Case, a tenant upon, and claimant of, another part of the said lot No. 63, in Pompey; that all the tenants upon the said lot agreed to join in defending the said action, and that in pursuance of that agreement, the petitioner did pay his share of the costs of defending the ejectment suit brought against Case; that the same testimony was prepared to be given upon the trial of this cause which was procured and prepared to be given upon the trial of the suit before brought against the petitioner, and that this cause also went off in the same manner with the former one; that the whole of the costs incurred in defending both these suits were entirely lost to the petitioner and his co-tenants upon the said lot, as the plaintiffs in those suits were entirely insolvent, and no part of the costs were recovered from them; that nothing further was done to the knowledge of the petitioner, until some time in the years 1819 or 1820, when he was apprised that the state claimed title to the said lot by the service upon him of an ejectment in favor of the state; that he then made an arrangement with the agent of the state, to suffer judgment in the said suit to pass by default, which was done, and the petitioner surrendered possession of so much of the said lot as was occupied by him to the state.

The petitioner further states, that at about the time of the prosecution of the first ejectment suit against him, upon the demise of Shaw, as before related, Butler, from whom the petitioner purchased, became insolvent and absconded, and that therefore he lost all remedy against him for the recovery back of the $4 per acre, purchase money paid to Butler; that he has expended, *as nearly as he can estimate it*, not less than $459, in the defence of the ejectment suits above mentioned, over and above the trouble and damage occasioned to him by the interruption of his business for about four years, while these suits were depending; that he is now advanced in life, and poor, and needs the allowance for the support of himself and family.

Connected with this petition. is a supplemental one, signed by three of the neighbors of the petitioner, stating that they believe the statements, generally, in the petition are true; that the know the petitioner expended considerable sums of money, but the amount they do not know; and that they think he ought to be relieved by the legislature.

Among the papers is an affidavit of Nathan Williams, of Manlius, in the county of Onondaga, who swears, that he was in 1812 and 1813, interested in, and an occupant of a part of this lot 63, in Pompey; that he contributed towards the defence of the ejectment suit brought against the petitioner, Mather; that, after they had investigated the title to the lot, he did, in behalf of himself and of the other occupants of the lot, either in the year 1812 or 1813, and he believes in 1812, make a formal application to Mr. Hildreth, the then attorney-general of this state, to have the said lot escheated, but that the said attorney-general, from what cause he does not know, but he supposes from his ill health, as he sickened and died soon after, took no steps to escheat the said lot, to his knowledge. This witness further states, that the claimants of the said lot were. himself, Norris Case, Samuel Emmons, Obadiah Williams, Timothy Capit, junior, Enoch Wilcox, and the petitioner, Joseph Mather.

There is also with the petition a statement of the monies expended by the petitioner in defending these two suits, and of the expenses incurred by him in attending the courts, amounting in the whole to the sum of $459, and an affidavit of the petitioner, in which he swears that the charges are correct "according to the best of his knowledge, recollection and belief," and that he verily believe he has expended this sum of money in the defence of these suits.

This account, however, it should be remarked, does not purport to be taken from any memoranda or account, kept of these expenses by the petitioner at the time, but to be made from the now best recollection of the petitioner, as to what was paid by him in 1812, 1813 and 1814. No affidavit, certificate or other evidence, from the counsel employed by him, as to the amount or the payment of their bills, is found among the papers, nor any bills of costs, taxed or not taxed, presented.

On examining the records of escheated lands in the office of the secretary of state, it is found that this lot No. 63, in Pompey, was escheated, and that the escheat was perfected by judgments in ejectment and executions thereon, in 1820. The persons against whom these ejectments were brought, as tenants in possession, were this petitioner, Enoch Wilcox, Obadiah Williams, Jacob Hoar, Lawrence Cramer, Norris Case and Obed Handy. After the escheat of this lot was perfected, and before the title of the state was granted, a surveyor was sent pursuant to law, to survey the lot, and to report the same, as well as the names of the persons in possession, and claiming the right of purchase, to the surveyor-general. From this report, it appears that the persons in possession, when the survey was made, were Enoch Wilcox, Obadiah Williams, Nathan Williams, Jacob Hoar, Lawrence Cramer and Norris Case, each occupying certain portions of the said lot.

On the coming in of this survey, and soon after that time, applications were made to the commissioners of the land-office, for grants of this lot, by the possessors thereof, under color of title, to whom the commissioners were to grant it at an appraisal, exclusive of any improvements.

It appears from an examination of their files, and of the entries in relation to this lot No. 63, in Pompey, in the books of the secretary's office, that this lot was granted, in various portions, to Enoch Wilcox, Obadiah Williams, Nathan

Williams, Jacob Hoar, Jabez Butts, and Martha Case, which latter grant was to the widow of the said Norris Case, before named as one of the occupants of the said lot, and was made to her by virtue of a special direction of the legislature, contained in the 11th section of the act, entitled "An act in addition to the several acts relative to escheated lands, and for other purposes," passed April 4, 1820.

It will be perceived that the petitioner, Joseph Mather, is not among the list of perrons to whom the several parts of this lot were granted, and a very satisfactory reason for this seems to be found, by examining the papers presented to the commissioners of the land-office, in the case of Enoch Wilcox, to whom three several pieces of this lot No. 63 appear to have been granted, including the two pieces of the lot formerly claimed and possessed by the petitioner, Mather, and from which he was ejected by the state. It will also have been observed, that although Mather was in possession at the time the ejectments were brought by the state, he was not returned as being in possession by the surveyor, at the time he surveyed this lot, after possession was taken by the state. Wilcox, however, was returned as being in possession of those parts of the lot which Mather had formerly occupied and claimed to own.

To account for this change of possession, and for the grant of Mather's possessions to Wilcox, an assignment from Mather to Wilcox of all his right, title and interest to these two pieces or parts of lot No. 63, in Pompey, executed by Mather, and dated 27th April, 1820, for the consideration paid by Wilcox to Mather, of $550, is found among Wilcox's papers on file with the commissioners of the land-office. A copy of this assignment is annexed to this report.

These are all the facts which have presented themselves as applicable to the claim now made by the petitioner. From them the following deductions may be drawn, assuming that all the statements made in the petition are true:

1st. That the petitioner purchased about 182 acres of lot No. 63, in Pompey, in the year 1797, at the price of $4 per acre, and that he paid the purchase money to that amount, to wit, to the amount of $528.

2d. That he occupied, possessed and enjoyed the lands so purchased, from 1797 until 1820, a period of 23 years, without the payment of any rent to the state, to which the land, of right, belonged.

3d. That the costs, the re-payment of which he claims from the state, were incurred by him in defending himself in the possession of lands, the title to which, he became satisfied, before he incurred any considerable part of those costs, was not in him, but in the state.

4th. That the laws of the state gave him the right, when the title to these lands was established to be in the state, to purchase them from the state at their appraised value, in the year 1800, exclusive of all improvements he had made upon them.

5th. That he actually sold this right of purchase to Enoch Wilcox, for the sum of $550, being $22 more than he paid for what he supposed to be a good title when he purchased.

There is no evidence before the commissioners of the land-office, to show that this petitioner was the discoverer that this lot was an escheated lot, or that he at all aided the attorney-general of the state, who finally instituted the proceedings to perfect the escheat thereof; nor can they see what injury would have accrued to the interests of the state by a recovery against the petitioner in the ejectment suits, to defend which he incurred these expenses. He was not the tenant of the state, but a wrongful holder of its lands, and therefore a recovery against him would have been no estoppel to an action of ejectment by the state for the same lands. If this be so, it is not perceived of what consequence it could be to the state, whether this petitioner, or those who strove to force him from his possession of these lands, should prevail, so long as neither had any title, and so long as, whichever might occupy, the state were to receive no benefit for the use of their property.

As it may assist in judging of the equity of the petitioner's claim, and of the manner in which its allowance will affect the interests of the state, so far as its

title to this lot of land was concerned, the commissioners of the land-office deem it not improper to state, that this land was appraised at from $2 as the lowest, to $2 75 as the highest price per acre, in the year 1800, this being exclusive of all improvements upon it, and that the two pieces which had been possessed by the petitioner, and which he had sold to Wilcox, were both appraised at $2 50 per acre, and at that price were conveyed to Wilcox as the assignee of the petitioner. The petitioner states that the quantity thus possessed by him was about 132 acres; but by the survey and appraisal, it would seem to be a little less. Yet assuming this quantity to be correct, the amount received by the state for all the land claimed by the petitioner, will have been but $330, while he sold his right to the improvements upon the same land, for $550, to Wilcox, the person to whom the state granted it. It would seem, therefore, if the state had an interest in defending the title to this land, the petitioner had a greater interest in defending his possession, while it is not discovered how the defences made by him and his associates, benefitted, or affected at all, the title of the state.

It would also seem, that if the claim of the petitioner for the costs and expenses incurred by him in defending these suits, be allowed and paid by the state, that the same rule of justice or equity would require that the costs and expenses incurred by the other tenants in the defences of the same suits, should be also paid, as it appears from the petitioner's statement, that the second suit was defended jointly by all the tenants; and it is shown by the affidavit of Nathan Williams, that he, at least, contributed his share towards the defence of the suit brought against the petitioner.

The commissioners of the land-office have been unable to discover any reason which satisfies them that the petitioner, or any of his co-tenants upon lot No. 63, in Pompey, have any just claim upon the state for the re-payment of expenses incurred by them in litigations between themselves and others, in relation to the possession of lands, the title to which was in none of the parties litigant, but in the state; nor are they prepared to say that *equity* demands of the state the payment, for costs so incurred, of a sum, greater, by some hundreds of dollars, than the whole amount of money received by the state from the same parties, for the title to the lands themselves.

Yet with these observations, they most respectfully and most cheerfully submit the petitioner's case to the wisdom and justice of the legislature, who are more competent to determine its equity than this board can be, and to whom the petitioner has himself appealed.

All of which is respectfully submitted.

SILAS WRIGHT, Jun., *Comptroller.*
A. C. FLAGG, *Secretary.*
SIMEON DE WITT, *Surveyor-General.*
A. KEYSER, *Treasurer.*

Albany, March 13, 1829.

Whereas the subscriber, heretofore, under color of a bona fide purchase by him made, has actually settled on and made valuable improvements on about one hundred and thirty-two acres of land, situate and lying in the town of Pompey, in the county of Onondaga, and state of New-York, being a part of lot number sixty-three (No. 63) in said town of Pompey, being two several pieces on said lot, the one piece containing ninety-two and $\frac{66}{100}$ acres of land, the other piece forty acres of land; of which said land, the commissioners of the land-office, by a late law of the legislature of the state of New-York, are authorised to cause letters patent to be issued to him as one of the occupants on certain conditions therein mentioned; therefore, in consideration of the sum of five hundred and fifty dollars, heretofore received by me from Enoch Willcox, of the town of Pompey aforesaid, I hereby grant, bargain, sell, assign and set over, to the said Enoch Willcox, his heirs and assigns, for ever, all my right, title, interest, claim and demand, both in law and equity, of, in and to the said premises above described and referred to; and I do also hereby authorise and empower said commissioners to issue letters patent to the said Enoch Willcox.

In witness whereof, I have hereunto set my hand and seal, this 27th day of April, 1820.

JOSEPH MATHER, [L. S.]

In presence of
SANDERS VAN RENSSELAER.

STATE OF NEW-YORK, }
Onondaga County, } ss.

Before me, on the 8th day of November, 1820, came Joseph Mather, to me personally known to be the person described in, and who executed the within deed, and acknowledged he executed the same. Let it be recorded.

SAM'L. BALDWIN,
Commissioner, &c.

Recorded in the clerk's office of Onondaga county, in liber Z. of deeds, folio 275, the 2d day of April 1821, at 5 o'clock, P. M.

DANIEL MOSELEY, *Clerk.*

Ordered, That the said communication be referred to the committee on claims, and that the usual number of copies thereof be printed for the use of the legislature.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of John Sargeant," and the bill entitled "An act authorising the construction of the Crooked lake canal;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of John Sargeant," was referred to a select committee, consisting of Mr. Mann, Mr. Eldridge and Mr. Spier; and the bill entitled "An act authorising the construction of the Crooked lake canal," was referred to a select committee, consisting of Mr. Johnson, Mr. Sheppard and Mr. Armstrong, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act providing for the appointment of inspectors of unslaked lime in the county of Greene," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Eldridge; the same being amended, was again read, in the words following, to wit:

Resolved, That a committee of nine members be appointed, whose duty it shall be to examine all bills from time to time committed to a committee of the whole house, and report all such bills as in their opinion may with safety and propriety be referred to select committees to be reported complete; but no bill shall be recommended to be referred, except with the unanimous consent of the said committee; nor shall any bill against the passage of which there is a remonstrance, nor any bill concerning a monied corporation or appropriating public monies, be so recommended; nor shall the number of bills so reported at any one time, exceed nine.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution as amended, and it was determined in the affirmative.

Ordered, That Mr. Eldridge, Mr. Austin, Mr. Cargill, Mr. Tower, Mr. W. M'Donald, Mr. Allison, Mr. Gosman, Mr. Brinkerhoff and Mr. Burt, be the said committee.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have rejected the bill entitled "An act authorising the commissioners of loans of the county of Oneida to sell certain lands."

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,'" and that the same be referred to a select committee, consisting of Mr. Fitch, Mr. Franklin and Mr. Chandler, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21, 1828;" and that the same be referred to a select committee, consisting of Mr. Dana, Mr. Seeley and Mr. Redfield, to consider and report thereon.

Ordered, That Mr. Hubbell have leave of absence for three days, Mr. J. Van Beuren for eight days, Mr. Sloughter for five days, Mr. Partridge for ten days, and Mr. Taber for eight days.

The engrossed bill from the Senate, entitled "An act concerning jurors residing on the New-Stockbridge tract," with the engrossed amendment, was read the third time.

Resolved, That the bill and amendment do pass.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have passed the same, with the amendment therewith delivered.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton," and find the same correctly engrossed.

Mr. Fitch, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning the state prisons of this state;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mallory, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Edward Chinn;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jenkins, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate the Sodus canal company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jenkins, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the amendments ordered to be engrossed, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Nathan Underwood;" and after some time

spent thereon, Mr. Speaker resumed the chair, and Mr. J. M'Donald, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to erect a new town from parts of the towns of Portland and Ripley in the county of Chautauque;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. M'Donald, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act to divide the towns of Portland and Ripley in the county of Chautauque," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Norton, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act incorporating a turnpike road from Coxsackie to Freehold in the county of Greene, passed March 2d, 1805, and the several acts amending the same;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Norton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act to regulate a ferry across the Hudson's river between Coxsackie landing and Nuttenhook in the county of Columbia, and for other purposes,' passed April 12th, 1820, and the act explanatory of the same, passed March 22d, 1822;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Norton, from the said committee, reported, that the committee had gone through the said bill, altered the title to "An act relative to the ferry between Nuttenhook and Coxsackie landing," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entttled "An act concerning the collector of taxes in the town of Pendleton;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Austin, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Matthew Brown junior;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Neil, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, MARCH 16, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Constable in the county of Franklin, praying for the division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Andrew Phares, praying remuneration for property alleged to have been improperly sold by the state, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the counties of Tioga and Tompkins, praying for the incorporation of a bank, to be located at the village of Ithaca, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the Gravesend and Coney Island bridge and road company, praying for the passage of a law to reduce the number of directors of said company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of David E. Harris, of the county of Cortland, praying for the passage of a law to change his name to Lycurgus J. Wallis, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Onondaga, praying for the appointment of commissioners to lay out a road across the Onondaga Indian reservation, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Fort-Edward in the county of Washington, praying for the passage of a law to authorise the appropriation of certain surplus poor monies to the support of common schools and bridges in said town, was read, and referred to a select committee, consisting of Mr. J. M'Donald, Mr. M'Neil and Mr. Sill.

The petition of Melancton Wheeler and others, praying that the amount of tolls received on the Junction canal, passing northward on the Champlain canal, may be ascertained, and that such tolls may be directed to be passed to the credit of the Champlain canal, was read, and referred to the canal board.

The remonstrance of sundry inhabitants of Musquito Cove in the county of Queens, against the petition of William Harold, for permission to erect a dock in the town of Oysterbay in said county, was read, and referred to the select committee to which was referred the engrossed bill from the Senate on that subject, of which Mr. Jones is chairman.

The petition of the president of the Newtown turnpike company, praying for the passage of an act to extend the time for completing the said road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Baragar, from the select committee to which was referred the petition of sundry inhabitants of the county of Tioga, praying for an act to improve the Cattetunk creek, reported:

That in the year 1827, according to the representation of the petitioners, the said creek, by an act of the legislature, was declared a public highway; and that the inhabitants of said towns situated on said creek, have expended labor and money to a considerable amount, in order to improve its navigation, so as to render it navigable for the transportation of lumber and other property to the Susquehannah river.

It further appears, that the navigation of said creek is now complete, with the exception of one or two dams, which were erected previous to said act of 1827.

The prayer of the petitioners, therefore, is, that they may have the privilege of improving said dams, so as to render them passable, without injury to the owners of them. And from a knowledge of the quantity of lumber and arks which are annually transported to the Susquehannah river by means of that

conveyance, the committee are of opinion that the prayer of the petitioners ought to be granted. Under these impressions, they have prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Baragar, according to leave, brought in the said bill, entitled "An act to improve the navigation of the Cattetunk creek;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fleming, from the select committee to which was referred the petition to amend the act incorporating the village of Albion, reported:

That an act was passed on the 21st of April 1828, incorporating the village of Albion; but from some delay in its transmission, was not received in time to enable the inhabitants of the village to organize according to its provisions.

It is therefore the opinion of the committee, that an amendment for that purpose is necessary; and have accordingly prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Fleming, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Albion;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Curtiss, from the select committee to which was referred the petition of John Shields, for permission to change his name, reported:

That the petitioner sets forth as a reason for his application, that at the time of his birth, his mother was not married, and that her maiden name was Kilmore; that at a subsequent period, she married a man by the name of James Shields; and that there was no other reason why the petitioner's name was called Shields. He expresses a strong desire that an act may be passed, changing his name from John Shields to John A. Kilmore, which he states is his real name. The committee being satisfied of the facts, and considering the petition reasonable, ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Curtiss, according to leave, brought in the said bill, entitled "An act to authorise John Shields to change his name;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21st, 1828," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising the construction of the Crooked lake canal," reported, that they have examined the said bill, and prepared an amendment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising the supervisors of the county of Onondaga to raise ten thousand dollars, for completing the court-house;" and that the said bill be committed to a select committee, consisting of the members attending this house from the county of Onondaga, to consider and report thereon.

Ordered, That Mr. Brown have leave of absence for eight days.

Mr. Willey gave notice that he would, on some future day, ask leave to introduce a bill to amend the 51st section of article 3 of title 1 of chapter 16 of the Revised Statutes.

The Senate returned, by their clerk, the bill entitled "An act relative to public notaries and commissioners of deeds in the several cities of this state."

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act concerning jurors residing on the New-Stockbridge tract."

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

The engrossed bill from the Senate, entitled "An act concerning the state prisons of this state," was read the third time.

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,' passed April 18th, 1828;" the engrossed bill entitled "An act relative to the ferry between Nuttenhook and Coxsackie landing;" the engrossed bill entitled "An act for the relief of Matthew Brown junior," and the engrossed bill entitled "An act to divide the towns of Portland and Ripley in the county of Chautauque;" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,' passed April 18th, 1828," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to the ferry between Nuttenhook and Coxsackie landing," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of Matthew Brown junior," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to divide the towns of Portland and Ripley in the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act incorporating a turnpike road from Coxsackie to Freehold in the county of Greene, passed March 2d, 1805, and the several acts amending the same," and find the same correctly engrossed.

The said engrossed bill, entitled "An act to amend the act incorporating a turnpike road from Coxsackie to Freehold in the county of Greene, passed March 2d, 1805, and the several acts amending the same," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	04

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Keith	Mr. Skinner
Mr. Allison	Mr. Fleming	Mr. Lindsley	Mr. A. Smith
Mr. Armstrong	Mr. Fowler	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Austin	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Mandeville	Mr. Soper
Mr. C. Baker	Mr. Garbutt	Mr. Mann	Mr. Speaker

Mr. Baragar	Mr. Garnsey	Mr. Mathews	Mr. Spier
Mr. Bogert	Mr. Goodman	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Gosman	Mr. J. M'Donald	Mr. Teller
Mr. Boynton	Mr. Graham	Mr. W. M'Donald	Mr. Tower
Mr. Bradish	Mr. Gross	Mr. M'Niel	Mr. P. Van Beuren
Mr. Burt	Mr. J. Hall	Mr. Mixer	Mr. Vanderbilt
Mr. Cargill	Mr. W. Hall	Mr. Morell	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Noble	Mr. Waring
Mr. Chandler	Mr. Hazeltine	Mr. Norton	Mr. Waugh
Mr. Collier	Mr. Hedges	Mr. Paige	Mr. Wheeler
Mr. Curtis	Mr. Hubbard	Mr. Phoenix	Mr. White
Mr. Davenport	Mr. Hynds	Mr. Redfield	Mr. Willey
Mr. Dean	Mr. Ives	Mr. Sanford	Mr. Williams
Mr. Defreest	Mr. Jenkins	Mr. Savage	Mr. Williamson
Mr. Dygert	Mr. Johnson	Mr. Scott	Mr. Wyckoff
Mr. Eldridge	Mr. Jones	Mr. Seeley	Mr. Young
Mr. Falley	Mr. Judd	Mr. Sill	91

Those who voted in the negative are—

Mr. Dickson	Mr. Edgerton	Mr. Fitch	Mr. Sheppard 4

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act concerning the collector of taxes in the town of Pendleton," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Sodus canal company," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 102
NAYS 04

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr Jenkins	Mr. Seeley
Mr. Allison	Mr. Dygert	Mr. Johnson	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Austin	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. A. Smith
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Fleming	Mr. C. L. Livingston	Mr. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. H.W Livingston	Mr. Soper
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Mixer	Mr. P. Van Beuren
Mr. Cargill	Mr. Graham	Mr. Morell	Mr. Van Wyck
Mr. Carley	Mr. Gross	Mr. Myers	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Norton	Mr. Wheeler

Mr. Collier	Mr. Hammond	Mr. Paige	Mr. White
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. Willey
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Scott	Mr. Young
Mr. Dickson	Mr. Ives		102

Those who voted in the negative are—

Mr. Edgerton	Mr. Efner	Mr. Mann	Mr. Mathews 4

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

A communication from the Hon. M. Van Buren, was read, in the words following, to wit:

To the Hon. PETER ROBINSON,
Speaker of the Assembly.

SIR,

Have the goodness to convey to the Assembly, my thanks for their kindness, and the assurance that I deservedly esteem the flattering expressions of confidence and congratulation contained in their resolution of the 12th instant; and to accept for yourself my best acknowledgments for the polite and friendly manner in which you have been pleased to communicate it to me. With the best wishes for the health, happiness, and prosperity of yourself, and the worthy members and officers of the house over which you have the honor to preside.

I am, very respectfully,
Your obedient servant,
MARTIN VAN BUREN.

Albany, March 16, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, MARCH 17, 1829.

The House met pursuant to adjournment.

The petition of the trustees of the village of Ogdensburgh, praying for an amendment of the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the town of Deerfield, in the county of Oneida, praying for a division of the said town, and the erection of a new town to be called Eron, was read, and referred to the committee on the erection and division of towns and counties.

Four several remonstrances of sundry inhabitants of the town of Westmoreland, in the county of Oneida, against the division of said town, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Essex, praying for the passage of a law to provide for the completion of the road from Westport, in said county, to Hopkinton, in the county of St. Lawrence, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of William D. Ross, of the county of Essex, relative to the payment of money for certain lands purchased by him from the state, was read, and referred to the commissioners of the land-office.

The petition of sundry inhabitants of the counties of Cattaraugus and Allegany, praying for the construction of a canal from Olean, in the county of Cattaraugus, along the valley of the Genesee river, to Rochester, in the county of Monroe, was read, and referred to the committee on canals and internal improvements.

The petition of the supervisor, town clerk and justices of the peace of Charlton, in the county of Saratoga, praying for the passage of a law to alter the time of the annual town-meetings in that town, was read. and referred to a select committee, consisting of Mr. Wheeler, Mr. Armstrong and Mr. Mandeville.

The petition of sundry inhabitants of the counties of Westchester and Putnam, relative to fishing in Peach pond, was read, and referred to a select committee, consisting of Mr. Tailor, Mr. Judd and Mr. Van Wyck.

The petition of Paul Knight, of the village of Rochester, praying remuneration for damages alleged to have been sustained by the construction of the aqueduct across the Genesee river, was read, and referred to the canal board.

The petition of sundry inhabitants of the county of Orleans, praying for the passage of a law to authorise the supervisors of said county to raise $1500, to build a bridge across the Oak Orchard creek, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of George Kemp, an alien, praying that he may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of James Lynch, of the county of Orange, setting forth that he was the purchaser from Archibald McIntyre, former comptroller of this state, of a lot of land in Clinton county, that a suit in ejectment has been brought against him, and praying indemnity from the state, was read, and referred to the committee on public lands.

The petition of sundry inhabitants of the eighth and ninth wards of the city of New-York, praying for an amendment of the charter of the Sun fire insurance company, so far as to allow them to alter their name and change its location, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Schuyler, in the county of Herkimer, praying that the Mohawk turnpike company may be authorised to abandon a part of their road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Manheim, in the county of Herkimer, praying for the appointment of commissioners to lay out a certain road in said town, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Herkimer, praying for the incorporation of a bank, to be located in said county, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Mr. Savage, from the committee on grievances, to which was referred the petition of James Daggett, of the county of Schenectady, praying that a law may be passed divorcing him from his wife, and a similar petition from Daniel Dunbar, of the county of Otsego, reported:

That they have had these petitions under consideration, and find the facts in both cases nearly the same. The only grounds on which the petitioners ask to

be relieved, is the alleged insanity of their wives—insanity which has arisen since their respective marriages; although in the case of Daggett, it is intimated that his wife was partially insane previous to her marriage. From the testimony attached to the petitions, the committee have no doubt of the truth of the allegations set forth in them. The only question then is, whether, under such a state of facts, the relief asked for ought to be granted by the legislature? On this subject, it is believed that no man who regards the institution of matrimony, and the salutary regulations which govern civilized society, in their proper light, can have any hesitation in saying that they should not. Indeed, the committee cannot avoid expressing their surprise and regret, that any person should apply for a legal dissolution of the sacred obligation of marriage on such grounds. Without going into a further examination of the subject, the committee unanimously recommend the adoption of the following resolution:

Resolved, That the prayers of the petitioners ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Johnson, from the committee on canals and internal improvements, to which was referred the petitions of sundry inhabitants of the counties of Erie, Chautauque, Cattaraugus, Genesee, Allegany, Livingston and Monroe, for the continuation of the Erie canal, through the valley of the Conewango river, to the Allegany river; also for a canal along the valley of the Genesee river, to Olean Point; and from the Erie canal, by way of the Tonnewanda creek, to Olean Point, reported:

That the petitioners for these several routes, have been heard before the committee, as to the merits of their several applications; but as the information as to their cost and probable advantages are not as yet sufficiently ascertained, the committee have made no decision as to the relative merits of these routes. All of them were embraced in the surveys authorised to be made in 1825; and the surveys may be found in the Journals of the Assembly of 1826, Appendix F., pages 16, 19, 24. In the report made to the Senate in 1827, by the committee on canals, will be found a description of these routes, and their supposed advantages.

By the construction of either of these routes, the objects which the petitioners all have in view, would be gained—an union of the Erie canal with the navigable waters of the Ohio. It would secure to New-York, it is supposed, the trade of Pittsburgh, and a large extent of country watered by the Ohio and its branches. Pittsburgh is the most commanding situation on that river. It has already become a place of great wealth and extensive commercial operations. Situated at the confluence of two considerable rivers, which united, form the Ohio; in the midst of a well-settled and fertile country, having superior advantages for extensive manufacturing establishments, many of which are already improved to a considerable extent, it certainly must soon become a place of great importance. It will be readily seen, that it is no small object to draw the trade of this city to our commercial emporium, through our own canals. That it can be secured, without the construction, on our part, of navigable communication between the Erie canal and the Allegany, is hardly to be expected. It will not be likely to reach us through the Ohio canal; and should the state of Pennsylvania complete her canal, which is by no means certain, we are not sure of obtaining it. Besides, it is an object to have such an increased domestic trade pass through our own country and along our waters, adding consequence to our villages, and affording a market for the products of our industry.

It should also be borne in mind, that the trade that would be created, is entitled to much consideration. Our domestic trade is every year becoming more and more important; and although it excites less interest than our foreign trade, its advantages are much more extensive.

The committee, believing that at no very distant day, the communication between the Erie canal and the Allegany river will be effected by means of a canal, and that it is desirable the necessary surveys and estimates should be pre-

sented to the legislature, in order to enable them to judge which of the proposed routes will best subserve the interests of the state; they therefore recommend the adoption of the following resolutions:

Resolved, (if the hon. Senate concur,) That the acting canal commissioners cause some experienced engineer to make a full and minute survey of the three proposed routes of a canal from the Erie canal to Allengany river, by the valley of the Conewango, and by the Casadauga; by the Tonnewanda, and by the valley of the Genesee river; and that they cause detailed estimates of the expense of each of the said routes to be made, and submit the same to the consideration of the next legislature.

Resolved, That the expenses of this survey be paid by the Treasurer, on the warrant of the Comptroller, out of any money in the treasury not otherwise appropriated, on the certificate of the canal commissioners under whose direction it shall be performed.

Mr. Speaker put the question whether the house would agree with the committee in the preceding resolutions, and it was determined in the affirmative.

Thereupon,

Ordered, That the clerk deliver the said report and resolutions to the Senate, and that the usual number of copies of the same be printed for the use of the legislature.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the several petitions of inhabitants residing in the counties of Washington, Essex and Clinton, praying legislative aid for the construction of a road from Whitehall northward along the west side of Lake Champlain, reported:

That from representations made to the committee, a very serious obstruction is experienced by citizens resident upon the west shore of Lake Champlain, in consequence of there not being better roads in that section of the state. The means of overcoming this difficulty, are not within the reach of the petitioners; they are therefore under the necessity of making known their situation to the legislature, as it relates to the difficulties which at present they are obliged to submit to, for want of means to accomplish this much desirable object.

It must be generally known, that the northern part of this state is rather thinly populated, and of course cannot possess a very great share of wealth, although possessing an uncommon share of enterprise. In endeavoring to bring into active usefulness the known treasures which are every year showing how very important encouragement should be granted to relieve that section of the state, in order, from its secluded situation, to afford facilities in the means of safe and easy transportation of their raw materials, as well as manufactured articles, to a market.

The northeastern section of the state, from Whitehall, in the county of Washington, to the forty-fifth degree of north latitude, being bounded upon the east by Lake Champlain, a distance of about one hundred and twenty miles, and the counties of Warren, Essex and a part of Clinton, in their general aspect being rugged and broken, do not admit of a road either comfortable or safe, as a great thoroughfare or line of communication between the north and south, excepting near the shores of the lake, where the mountains recede or may be avoided, and where a road might be formed which at all times would be safe, direct, and convenient for constant intercourse.

From Ticonderoga, northward, to the foot or base of Mount Defiance, a distance of about six miles, there is already a tolerable road. To pass the foot of this mountain, directly on the margin of the lake, which is the only practicable route, would require a considerable expenditure. From thence north, to Ticonderoga, a distance of about three miles, there is now a passable road, and but little if any assistance would be required. From Ticonderoga, north, through Crown Point and Moriah, to Westport, the committee are informed that the road is in tolerable condition, and could probably be rendered safe and comfortable at a small expense, with the exception of what is called "Bullwagger bay mountain;" and to overcome this, and make a good road around the head of the bay, would probably cost fifteen hundred dollars. From Westport to the Canada line, the present road, it is thought, may be improved at a

small expense, and that too, very probably, within the reach of the inhabitants in its vicinity. This done, a public highway would be opened from Whitehall, along the margin of Lake Champlain, to the Montreal road in Champlain, near Odeltown in the province of Lower Canada. From this place to Montreal, the road is in good condition; and a connection of this kind would undoubtedly be of public interest, embracing as it would, the shortest and most eligible route from Albany to Montreal.

The statements made to the committee, are such as to leave no doubt that a road located agreeably to the wish of the applicants, would be fraught with absolute public utility; and yet it is utterly impossible for the inhabitants of the northern counties to construct it in a permanent manner, by any means within their controul. The policy of rendering aid to all portions of our citizens, is too well founded to need any argument from us in its favor.

It is believed by the committee, that governments, by prudent disbursements from their treasuries, in granting aid to its citizens, which will stimulate them to put forth their energies in assisting to construct roads, will, indirectly, in a few years, return the same with interest, besides enriching its inhabitants; which adds much to their happiness and enjoyments of life, and renders them much more attached to their government.

The committee have witnessed with great satisfaction, sentiments of approbation where the facilities of internal improvements have been perfected; and they anticipate the same feelings would be realized, if this portion of our citizens should share in the public bounty. Internal improvements have already, in their effects, greatly added to the public prosperity; and the committee hope that this enlightened policy has virtually been adopted as a part of the settled policy of this state.

It must be apparent to every member of this legislature, that a communication between the cities of New-York and Montreal, should not be interrupted. During the navigable part of the season, this difficulty is greatly avoided by means of Lake Champlain; but it must be remembered, this mode only extends to but about one half of the year, and then you are under the necessity of resorting to your conveyances by land.

The petitioners, in their application, do not state the amount which the expense of the construction of the road would require, but which explanation will probably be made by those gentlemen representing that part of the state. It is to be presumed, all the information in relation to this enterprise, will be given by those more interested; and upon its merits, receive that attention it is entitled to. The committee are not particularly acquainted in this part of the state, but believe no injustice would be done to other parts of the state, if they should receive some assistance. They have therefore prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to provide for the construction of a road on the west shore of Lake Champlain;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of Stephen Tuttle, president of the Newtown turnpike road company, for an extension of the time to complete said road, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to extend the time for completing the Newtown turnpike road;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was

referred the petition of the president, directors and company of the Gravesend and Coney Island bridge and road company, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, on the petition of the First Congregational society in the town of Worcester in the county of Otsego, praying for the passage of an act to change the name of said society, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to alter the name of the First Congregational church and society of the town of Worcester in the county of Otsego;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Dutchess, praying for the incorporation of the Chippewalla turnpike company, and a remonstrance against the same, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act to incorporate the Chippewalla turnpike company in the county of Dutchess;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. J. M'Donald, from the select committee to which was referred the memorial of sundry inhabitants of Fort-Edward in the county of Washington, reported:

That the law abolishing the distinction between town and county poor, took effect in that county in 1827; previous to which, the poor fund of the town of Fort-Edward amounted to about three hundred dollars, and which remains in the hands of the overseers of the poor. The petitioners ask that a law may be passed, directing the overseers of the poor to pay over one moiety of the fund to the commissioners of highways, for the support of roads and bridges; and the other to the commissioners of common schools, for the use of schools. The committee believe that the request is reasonable, and ought to be granted; and have therefore instructed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. J. M'Donald, according to leave, brought in the said bill, entitled "An act authorising the town of Fort-Edward to dispose of certain public monies;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising William Harrold to erect a dock on the south side of Musquito Cove creek in the town of Oysterbay," reported:

That the facts in relation to this subject, presented for the consideration of the committee, are these:—That the freeholders and inhabitants of the town of Oysterbay, called on the commissioners of highways for the said town, to lay out a public road and landing place through a part of William Harrold's land; and that the commissioners so called on, did, on the 18th day of June 1827, lay out and establish a highway and landing place, from the Musquito Cove creek, (where the proposed dock or wharf in this bill is intended to be located by the said William Harrold,) to the highway that leads from Musquito Cove to the great plains; and that the above acts of the commissioners of the town of Oysterbay, were duly entered upon record, the 6th day of November, 1827. And it doth further appear, that on the 9th day of November 1827, William

Harrold appealed from the decision of the said commissioners, to the judges of the county of Queens, in relation to said road and landing place; and in consequence of such appeal, the judges of the county met in December following, in the town of Oyster Bay, to hear the proofs and allegations of the parties concerned; and that on such investigation, the following facts were offered on the part of the commissioners, in justification of their acts: That a deed dated October, 1773, made by William Walton and others, to Isaac Underhill, relative to the premises in controversy, in which deed was contained as follows:

Excepting and reserving to the inhabitants of the land within the patent of Musquito cove, the privilege of passing and re-passing over the upper dam of the mills hereby granted, as long as the said inhabitants should keep the said dam in repair.

And also excepting to all his majesty's subjects, the free use of the water way through the hereby granted premises, which lead from the road from Musquito cove, in the town of Hempstead, as the same now runs.

The commissioners also produced Isaac Underhill, Peter Lyster, Lewis Valentine and Richard Udall, as witnesses that the said Isaac Underhill testified that the appellant derived his title to the land adjoining said road and landing-place in controversy, through said Isaac Underhill and others.

And that the said Isaac Underhill, Peter Lyster and Lewis Valentine further testified, that the road and landing-place now in dispute, has been used as a public highway and landing-place previous to the revoluionary war, and ever since; and further, that no gate or other obstruction, for twenty years or upwards, has been erected on the said road.

It appears that the commissioners stated, that they considered that the above mentioned road and landing-place was public, and ever had been so; but in order to prevent litigation on the part of the town of Oyster Bay, with said Harrold, they did leave it to a jury to determine the damages to said Harrold, in relation to this road. This jury awarded him $450, which had been tendered and refused by the appellant.

After this investigation on the part of the judges, they came to the following decision: That they confirm the acts of the commissioners of the town of Oyster Bay, agreeably to their record, from the Musquito cove road, to the margin of the creek, and annul the same as extended to the centre of said creek; they also directed the commissioners to regulate the same according to their decision.

And it further appears to the committee, that William Harrold has appealed from the decision of the county judges to the supreme court, and that this matter of controversy is now pending in that court, from which circumstance, and the other facts connected with this case, the committee are of unanimous opinion that this bill should not be passed into a law.

Ordered, That the said bill and report be laid upon the table.

Mr. L. Smith, from the select committee to which was committed the bill entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and jail in said county," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act authorising Martin B. Young to construct a dam across the Canisteo river;" the bill entitled "An act to incorporate the Ithaca and Havana turnpike road company;" the bill entitled "An act relative to the clerk's office of the county of Broome;" the bill entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard;"

the bill entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district;" the bill entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley;" the engrossed bill from the Senate, entitled "An act for the relief of John Griffiths and Eleanor Griffiths;" the engrossed bill from the Senate, entitled "An act for the relief of the representatives or devisees of Robert Adams deceased;" and the engrossed bill from the Senate, entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act authorising Martin B. Young to construct a dam across the Canisteo river," be referred to a select committee, consisting of Mr. Phœnix, Mr. Graves and Mr. Fitch; that the bill entitled "An act to incorporate the Ithaca and Havana turnpike road company," be referred to a select committee, consisting of Mr. Dana, Mr. Dean and Mr. Hubbard; that the bill entitled "An act relative to the clerk's office of the county of Broome," be referred to a select committee, consisting of Mr. Franklin, Mr. Fitch and Mr. Chandler; that the bill entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard," be referred to a select committee, consisting of Mr. Fillmore, Mr. Hazeltine and Mr. Mixer; that the bill entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district," be referred to a select committee, consisting of Mr. Skinner, Mr. Goodman and Mr. P. C. Fuller; that the bill entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley," be referred to a select committee, consisting of the members attending this house from the city and county of Albany; that the engrossed bill from the Senate, entitled "An act for the relief of John Griffiths and Eleanor Griffiths," be referred to a select committee, consisting of Mr. Dayton, Mr. Arnold and Mr. Myers; that the engrossed bill from the Senate, entitled "An act for the relief of the representatives or devisees of Robert Adams deceased," be referred to a select committee, consisting of Mr. Armstrong, Mr. Bostwick and Mr. Boynton; and that the engrossed bill from the Senate, entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury," be referred to a select committee, consisting of Mr. M'Crea, Mr. Redfield and Mr. Al Burtis; to be by the said select committees severally reported complete.

The annual report of Isaac Ingersoll, an inspector of beef and pork for the county of Madison, was read, in the words following, to wit:

A statement of pork inspected by me, from 1st January 1828, to January 1st, 1829.

2,015 barrels pork inspected.
83 " do packed and not inspected.

2,098

Amount of fees, at 2s. a barrel, ... $503 75

ISAAC INGERSOLL, *Inspector.*

Madison County, Cazenovia, March 13, 1829.

Hon. PETER ROBINSON,
Speaker of the Assembly.

Ordered, That the said report be laid upon the table.

The annual report of Silvanus Russell, an inspector of beef and pork, and staves and heading, for the county of Erie, was read, in the words following, to wit:

Amount of Beef, Pork, Staves and Heading, inspected by Silvanus Russell, Buffalo, 1828.

APRIL, 1828.

Beeef and pork inspected for N. Jenkins & Co.

116 barrels mess pork.
26 " prime do
41 " mess beef.
100 " prime do

283

JUNE, 1828.

Pork inspected for Vedenburg.

2 barrels mess pork.
5 " prime do

7

Total, ... 290 barrels.

STAVES AND HEADING.

JUNE, 1828.

	Pipe Staves. M	h	q	st	Hogshead Staves. M	h	q	st	Hogshead Heading.			
Simon Allen, ...	1	0	0	09	13	8	3	18				
James Walker, ...	2	4	1	20	8	2	0	05				
AUGUST, 1828.												
H. H. Wilcoxen & Co.	6	2	2	20					0	2	2	00
Victor,.....	0	7	0	20								
Joseph Osyer,.....	15	7	0	26								
Johnson Wheeler, ...	8	9	1	14								
Eber Guther, ...	0	7	0	00					2	9	2	20
Ezra Sprague, ...	27	3	0	27								
Tillingherst, ...	2	2	0	27					0	7	1	02
Joseph Davis,.....	6	3	1	24								
Leeds M. Hunt, ...	1	4	2	27								
Amos Webb,.....	1	6	0	27								
Levi Persons, ...	9	3	1	25								
John Shely, ...	1	5	1	22								
SEPTEMBER, 1828.												
Pratt, Sears & Co.....	12	9	0	20								
John B. Macy & Co....	0	7	0	15					0	4	1	00
	99	3	2	04	22	0	3	23	4	3	2	22

	M	h	q	st
Total,.....	125	8	0	21

SILVANUS RUSSELL, *Inspector.*

Buffalo, March 2, 1829.

Ordered, That the said report be laid upon the table.

Ordered, That the committee of the whole house, to which was re-committed the engrossed bill from the Senate, entitled " An act concerning the state prisons of this state," be discharged from the further consideration of the said bill, and that the same be read the third time.

Ordered, That Mr. Waring have leave of absence for four days, Mr. H. W. Livingston for seven days, and Mr. Goodman for six days.

On motion of Mr. P. C. Fuller,

Resolved, That the comptroller be requested to lay before this house, a statement of the appropriations which have been made by the state, for the benefit

of Columbia, Union and Hamilton colleges, respectively; specifying the time when each appropriation was made.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the committee on banks and insurance companies be instructed to report bills to incorporate a bank in each of the senate districts of this state, subjected to the provisions of the revised statutes, except sections sixteen, seventeen and eighteen of title second of article first of chapter eighteenth of the first part of the Revised Statutes.

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to enable the trustees of the Dutch reformed church in the town of Bushwick in the county of Kings, to sell a lot of land lying in the village of Williamsburgh;" and that the said bill be referred to a select committee, consisting of Mr. Al Burtis, Mr. Wyckoff and Mr. Jones, to consider and report thereon.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Judd: the same having been amended, was again read, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the secretary of state is hereby required to cause to be published in a pamphlet form, chapter 20, titles 1, 2, 3, 4, 5, 6 and 7, of the first part of the Revised Statutes of this State; and copies thereof to be distributed to each of the town clerks of the several towns in this state, to be by him distributed to the supervisor, overseers of the poor, and one copy to each of the superintendents of the county poor-houses, and to their successors in office, in such town: And that the expense of such publication and distribution, be paid by the treasurer of this state, upon the warrant of the comptroller, out of any monies in the treasury of this state not otherwise appropriated.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution as amended, and it was determined in the negative.

Mr. Seeley, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21st, 1828;" and find the same correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21st, 1828," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	02

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Ives	Mr. Sheppard
Mr. Allison	Mr. Defreest	Mr. Jenkins	Mr. Sill
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Arnold	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Austin	Mr. Falley	Mr. Keith	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. E. Baker	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Gosman	Mr. M'Niel	Mr. Teller

Mr. Bradish	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Brinkerhoff	Mr. Graves	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Gross	Mr. Myers	Mr. Waugh
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. Wheeler
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. White
Mr. Case	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Collier	Mr. Hedges	Mr. Sanford	Mr. Williams
Mr. Curtis	Mr. Heermans	Mr. Savage	Mr. Williamson
Mr. Dana	Mr. Hubbard	Mr. Scott	Mr. Wyckoff
Mr. Davenport	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dayton			89

Those who voted in the negative are—

Mr. Edgerton	Mr. Hascall	2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of the devisees of Edward Chinn," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	02

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Ives	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Falley	Mr. Jones	Mr. Sill
Mr. Austin	Mr. Fillmore	Mr. Keith	Mr. A. Smith
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. L. Smith
Mr. E Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. Garbutt	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Garnsey	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Gosman	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Graham	Mr. J. M'Donald	Mr. Teller
Mr. Bradish	Mr. Graves	Mr. W. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gross	Mr. M'Niel	Mr. P. Van Beuren
Mr. Burt	Mr. J. Hall	Mr. Mixer	Mr. Waugh
Mr. Cargill	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. White
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Collier	Mr. Hedges	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Wyckoff
Mr. Davenport	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Dayton			89

Those who voted in the negative are—

Mr. Edgerton	Mr. Hascall	2

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act concerning the state prisons of this state," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Seeley, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the said report do lie upon the table; and that the usual number of copies of the said bill as amended in committee of the whole, be printed for the use of the legislature.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, MARCH 18, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Orange in the county of Rockland, praying for the passage of an act directing that the property at Orangetown Point in said town, may be taxed for the construction of a road from that place to Bell's Point, was read, and referred to a select committee, consisting of Mr. Soper, Mr. Fowler and Mr. Waugh.

Two several petitions of sundry inhabitants of the county of Tompkins, praying for the incorporation of a bank to be located at the village of Ithaca, were read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of sundry inhabitants of the county of Rockland, praying for a grant of land under water at Orangetown Point, in said county, was read, and referred to a select committee, consisting of Mr. Allison, Mr. Soper and Mr. Fowler.

The petition of sundry inhabitants of the towns of Bovina, Middletown and Roxbury, in the county of Delaware, praying for the passage of a law to annex parts of Middletown and Roxbury to Bovina, and the proceedings of a town-meeting held in Middletown, against annexing any part of that town to Bovina, certified by the moderator and town clerk, were severally read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Lawrence in the county of St. Lawrence, against the passage of a law to authorise an alteration of the boundary lines of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry infantry officers of the city and county of New-York, praying for the passage of a law to exempt them from jury duty during the time they are in office, was read, and referred to the committee on the militia.

The petition of John Enders, Hannah Greenman, and others, inhabitants of the county of Montgomery, praying legislative relief in relation to a ferry kept by the said John and Hannah across the Schoharie creek, was read, and referred to the committee on grievances.

The remonstrance of sundry inhabitants of the town of Bovina in the county of Delaware, against the passage of a law to annex parts of the towns of Rox-

bury and Middletown to that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the village of Canajoharie in the county of Montgomery, praying for the passage of a law to incorporate that village, was read, and referred to a select committee, consisting of Mr. Randall, Mr. Morell and Mr. Falley.

The petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for the passage of a law to incorporate that village, was read, and referred to the committee on the incorporation of cities and villages.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which were referred the memorial of sundry inhabitants of the town of Schuyler in the county of Herkimer, and the petition of the Mohawk turnpike company, severally praying for the passage of a law to authorise said company to abandon a part of their road, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising the Mohawk turnpike company to relinquish part of their road;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Rensselaer, praying for an amendment to the act incorporating the Sand-Lake and Nassau turnpike road, to authorise continuing said turnpike so as to intersect the Rensselaer and Columbia turnpike, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Sand-Lake and Nassau turnpike company,' passed April 23d, 1823;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Orleans, praying for the passage of a law authorising the board of supervisors of said county to raise fifteen hundred dollars, to build a bridge across the Oak-Orchard creek, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak-Orchard creek and Marsh creeks in the town of Carlton;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on the judiciary, to which was referred the message of his excellency the governor, respecting the appointment of a vice-chancellor, to reside in the city of New-York, reported:

That the object of the present application is to procure the substitution of a vice-chancellor, in the place of the circuit judge, to perform the duties of a court of equity in the first circuit. In order to decide upon the expediency of this measure, it may be proper to advert briefly to some of the causes which have contributed to the vast increase of equity business in this state, during a few years past.

Prior to the adoption of the new constitution, the whole equity jurisdiction was vested in a single officer, denominated the chancellor. The terms of his court were held in the cities of New-York and Albany; testimony was secretly taken by officers appointed for that purpose; and as juries do not attend the court, its powers and course of practice were entirely unknown to the people. Rumor, however, had assigned to this court a character by no means to be envied: Its great delays of justice, its oppressive costs and arbitrary power, were

themes of frequent declamation, and deterred men from asserting their indisputable rights. Under such circumstances, it was not difficult for a single individual to perform the whole equity business of the state.

After Mr. Kent had been promoted to the chancellorship, he labored successfully to develop the hidden mysteries of the court. He simplified its practice, illustrated its principles, and extended the privilege of admission to many members of the bar who had been before excluded. A rapid increase of equity business necessarily followed; and, notwithstanding the splendid talents and indefatigable industry of the chancellor, the business was found to be accumulating upon his hands. To remedy this inconvenience, it was provided by the 5th section of the 5th article of the new constitution, that equity powers might be vested in the circuit judges, or in such other subordinate courts as the legislature might by law direct, subject to the appellate jurisdiction of the chancellor; and at the re-organization of the judiciary system in 1823, under the new constitution, equity powers were conferred upon the circuit judges within their respective jurisdictions, and they were required to hold at least four equity terms annually.

These proceedings have diffused through the community a knowledge of our system of equity: The mist which so long enveloped the court of chancery, has dispelled; the people have become familiarized with its proceedings; its practice is found to be less complicated than that of a court of law, and the costs of litigation not materially different. From being a subject of dread, it has become a favorite tribunal, spreading the shield of its protection over the unfortunate and the oppressed. The cardinal maxims of justice, are the rules which govern its decisions, and its means of attaining truth and enforcing equity, are greatly superior to those enjoyed by a court of law.

By the revised statutes, which take effect on the first of January next, its jurisdiction is considerably extended, and the courts of equity of the circuit judges, as separate from, and independent of the court of chancery, are abolished; but every circuit judge is constituted, within the limits of his circuit, an officer of the court of chancery, called a vice-chancellor, with powers not essentially different from those which he now enjoys.

The extensive commerce and progressive wealth of the city of New-York, have occasioned a much greater increase of litigation in that city, than in other parts of the state. Although at the time of organizing the present judiciary system, one circuit judge was deemed capable of discharging the duties of both the common law and equity jurisdictions in the first circuit, it has already been found necessary to establish another court of law. This new court limited to the city of New-York, divested of all jurisdiction over criminal cases, is required to be in session the greater part of the time, in order to discharge the duties devolving upon it. The remaining law business of the circuit judge, including his duties in the oyer and terminer, furnish him with ample employment. He has no time to officiate as vice-chancellor. The equity business of that circuit is consequently thrown upon the chancellor, increasing the labor of his office to an amount which no man is capable of performing. His calendar is constantly accumulating, and unless relief be soon granted, "the channels of justice must be blocked up."

The city of New-York is not alone interested in providing a remedy. If the business be suffered to accumulate upon the chancery calendar, as it must, unless a part be consigned to some other tribunal, the delay, amounting almost to a denial of justice, must fall alike upon the city and country causes, blighting the hopes of parties, and fearfully enhancing the expenses of litigation.

The committee believe that these difficulties may be obviated by substituting another vice-chancellor for the circuit judge in the first circuit. The equity business of that circuit will then be withdrawn from the chancellor; he will be relieved from the oppressive burden which now devolves upon him; the impediments which obstruct the avenues to the temple of justice will be removed, and the whole judiciary system adjusted and harmonized.

In order to interfere, as little as possible with the provisions of the revised statutes, the committee recommend that until the first of January next, when his

regular business will commence, that the vice-chancellor act as an assistant to the chancellor, examining and deciding such causes pending in the court of chancery as may be referred to him for that purpose.

The committee are not aware of any constitutional objection to the appointment of a vice-chancellor, in the manner they have proposed. As he will be an officer of the court of chancery, constituting a branch and an integral part of that court, it appears to be unnecessary to derive the power for his appointment from the 5th section of the 5th article of the constitution. The legislature has always possessed the power to create and abolish offices appertaining to that court, and of conferring, at discretion, greater or less powers upon the incumbents of such offices. In pursuance of these principles, the committee have prepared a bill, and instructed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill; entitled "An act for the appointment of a vice-chancellor for the first circuit;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of Joseph Lancaster, praying for pecuniary aid and relief, reported:

That they have attentively examined the petition and the accompanying letter; and although the facts set forth may not constitute a rightful claim, they address themselves with a force which it is difficult to resist, to the justice and liberality of the state.

Mr. Lancaster rests his appeal to the legislature, upon the ground that the state has derived important and permanent benefits from a system of education which he invented, and which he has matured and brought into general use, by the most intense application, and the most constant and unwearied exertion.

It is matter of history, that Mr. Lancaster commenced the business of instruction in London about the year 1798, upon a plan entirely new and original, and which was admirably calculated for the education of the poorer classes in that country; as the facilities of acquiring the elementary branches of learning were greatly increased, and the price of instruction was reduced to a rate altogether below what had ever before been known. It was demonstrated that a thousand scholars could be instructed by one master, with the aid of monitors; that the cost and use of books and stationary could be almost entirely dispensed with, by the introduction of the method of sand-writing; and the plan was not inaptly termed, "a system by which a school may teach itself."

Such was the success of this new mode of instruction, invented by a humble and unpretending quaker, that although he was persecuted as a dissenter, assailed by bigotry and fanaticism in every form, and proscribed by intolerant priests for teaching the bible without the creed, and assuming the office of a teacher without subscribing to the liturgy and the articles, he soon attracted the attention and gained the patronage of some of the most distinguished statesmen, and awakened a zeal and gave an impulse to public opinion in relation to the importance of educating (what were called) the lower orders in that country, that has rescued millions from the dominion of ignorance.

The first monitorial school established out of England, and the second out of London, was established in the city of New-York: the experiment proved completely successful. Similar schools have since been erected and sanctioned by legislative acts, in all the cities, and in many of the villages in this state. This plan of instruction has been adopted in most of the cities in the United States, and has extended to almost every civilized nation.

It has been the aim of Mr. Lancaster to extend the blessings of education to every condition, and to promote the universal diffusion of knowledge. To this end, he has directed the energies of a vigorous mind, with unwearied zeal and

entire devotion, to the total neglect of his own pecuniary interests, and all the ordinary aims of human pursuit.

General La Fayette, in concluding a speech in the Chamber of Peers, which is referred to in the petition, remarks, that the Lancasterian system is, since the invention of printing, the greatest step which has been made for the extension of prompt, easy, and popular education.

It is not within the design of this report to examine minutely the merits of this system of education, or to set forth the many claims of its author to the character of a public benefactor. His life has been eminently useful; and it is scarcely possible that the extent of his labors and sacrifices in promoting the diffusion of knowledge, and the momentous interests of education, can be duly estimated. His fame is impressed upon the age in which he lives, and will be recorded in its history, and cherished by distant ages.

Mr. Lancaster came to the United States in the year 1818. After spending some time in this country, he was induced to visit South America, in the hope of advancing the cause of education, and with the promise of receiving an ample compensation for his services. But after spending three years in Colombia, where he met nothing but disappointment, and received nothing but hollow professions and empty promises, he returned to New-York. A draft upon London, which was presented to him by Bolivar, was subsequently dishonored. His limited means were exhausted by the sickness of himself and family; and he was compelled, by the pressure of poverty and affliction, to appeal to the public in New-York, to rescue his family from "want, and from accumulated oppression." The sum of four hundred dollars was contributed by individuals, and the sum of five hundred was given by the corporation, in a manner highly honorable to Mr. Lancaster, and which afforded a temporary relief from his embarrassments.

He states that he is at an advanced age; that his children are uneducated and unprovided for; that had he obtained a patent for his inventions, he might have placed himself beyond the reach of want; but that he has not the means of continuing his usefulness, or of providing for his family; and he proposes, if the legislature will grant him the means, to purchase a small farm in the county of Orange, and to establish a school for the education of village teachers.

The benefits which have resulted to the state from the Lancasterian system, are known and appreciated; and the committee are of opinion that relief ought to be granted to the petitioner. They are aware that it is not the province of the legislature to put their hands into the public treasury for the exercise of charity, or to legislate from the impulse of sympathy; but they are persuaded that the great and enduring blessings conferred by Mr. Lancaster, form a just consideration for the appropriation proposed, and that decided advantages may be expected from his future labors. They have therefore prepared a bill, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act for the relief of Joseph Lancaster;" which was read the first time. and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Baragar, from the select committee to which was referred the petition of the supervisors of the county of Tioga, reported:

That they have examined said petition: from which it appears, that the county of Tioga is burthened with charges for the support of paupers, who have flocked into it from other counties in which poor-houses are erected. It also appears that said county is divided into two jury districts; that the courts are held alternately at the court-house in each district, which has been so established with a view to the future division of the county; that in consequence of this arrangement, and the prospect of a division of said county, the inhabitants cannot agree on a proper site for the erection of a county poor-house. They therefore ask the passage of an act, authorising the erection of a poor-house in

each jury district of said county, whenever the supervisors of the several towns respectively shall deem it expedient, with the provision that one district shall not be taxed for a house erected in the other. The committee, believing unanimously that the prayer of the petitioners is reasonable, and ought to be granted, have prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Baragar, according to leave, brought in the said bill, entitled "An act authorising the erection of two poor-houses in the county of Tioga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the select committee to which was committed the bill entitled "An act to incorporate the Ithaca and Havana turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Al Burtis, from the select committee to which was committed the bill entitled "An act to enable the trustees of the Reformed Dutch church in the town of Bushwick in the county of Kings, to sell a lot of land lying in the village of Williamsburgh," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Starr, from the select committee to which was committed the bill entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Franklin, from the select committee to which was committed the bill entitled "An act relative to the clerk's office of the county of Broome," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard junior," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dayton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of John Griffiths and Eleanor Griffiths," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

Mr. Boynton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of the representatives or devisees of Robert Adams deceased," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place,

and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

Mr. Phœnix, from the select committee to which was committed the bill entitled "An act authorising Martin B. Young to construct a dam across the Canisteo river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed

The house then proceeded to the consideration of the report of the select committee to which was committed the bill entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district;" the said report being that the committee had gone through the said bill, and agreed to the same without amendment.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Ordered, That the bill entitled "An act to incorporate the Salina and Susquehannah rail-road company," be the special order of the day for Friday the third day of April next.

On motion of Mr. Hubbell,

Resolved, That the regents of the university be requested to report to this house, what sums of money have been realized and paid over to the institutions interested in the lotteries granted by an act for the promotion of literature, passed April 13th, 1814; and what reports have been made to the regents by the said institutions, in pursuance of section sixth of the act entitled "An act to limit the continuance of lotteries," passed April 5th, 1822.

Mr. Bogert gave notice that he would, at some future day, ask leave to introduce a bill, prohibiting the circulation of bank notes of a less denomination than ten dollars, other than those issued by the incorporated banks of this state.

Mr. Paige gave notice that he would, on some future day, ask leave to introduce a bill to amend the act entitled "An act for the relief of Francis Wilkinson and others."

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend an act appointing commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb in the county of Essex, passed April 21st, 1828;" the bill entitled "An act concerning the writ of certiorari in criminal cases," and the bill entitled "An act to repeal a part of a certain act therein mentioned;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to amend an act appointing commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb in the county of Essex, passed April 21st, 1828," was referred to a select committee, consisting of Mr. Burt, Mr. Gross and Mr. Bradish; the bill entitled "An act concerning the writ of certiorari in criminal cases," was referred to a select committee, consisting of Mr. Dana, Mr. Soper and Mr. Hubbell; and the bill entitled "An act to repeal a part of a certain act therein mentioned," was referred to a select committee, consisting of Mr. Johnson, Mr. Norton and Mr. Armstrong, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the investment of a part of the school fund in stock to be created for the construction of the Cayuga and Seneca canal;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Eldridge, Mr. Tower and Mr. W. M'Donald, to consider and report thereon.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to divide the towns of Portland and Ripley in the county of Chautauque," and the bill entitled "An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,' passed April 18th, 1828," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have the honor to transmit herewith, certain proceedings of the legislature of Virginia, forwarded to me by the Governor of that state, with a request that they should be laid before you.

E. T. THROOP.

Albany, March 18, 1829.

EXECUTIVE DEPARTMENT,
RICHMOND, Feb. 28, 1829.

SIR—

In compliance with the request of the General Assembly of Virginia, I now do myself the honor of transmitting to your Excellency, copies of their proceedings, in relation to certain proceedings of the respective legislatures of South Carolina and Georgia, upon the subject of the tariff acts, the acts for internal improvements, &c. heretofore passed by congress; which were submitted to the consideration of the General Assembly during the present session, upon the request of those legislatures respectively; and most respectfully of asking you, sir, to cause the same to be laid before the legislature of New-York.

I am, Sir, very respectfully,
Your obedient servant,
WM. B. GILES.

To his Excellency the Governor of New-York.

Report of the select committee on the resolutions of Georgia and South Carolina.

The select committee to whom were referred the communication of the Governor, transmitting the proceedings of the legislature of Georgia, in relation to resolutions from the states of South Carolina and Ohio, and the proceedings of the state of South Carolina on the subjects of the tariff and internal improvements, have bestowed on those subjects their most profound consideration.

Having subjected the preambles and resolutions to strict examination and severe criticism, they find the annunciations and results to be mainly sustainable, so far as they pertain to the acts of congress, usually denominated the tariff laws, and thus designated in those several proceedings.

The proceedings of the legislature of the state of Georgia, as well as those on which they are founded, emanating from the legislature of South Carolina, announce and sustain the opinions of Virginia, heretofore proclaimed by successive legislatures; opinions, which rest on truth and reason; which your committee can discern no cause to relinquish: but which they are ready to defend and sustain, as involving the most essential interests of the commonwealth.

Respect for the dignity and character of Virginia, and an anxious regard for the tranquillity of the Union, admonish your committee to withhold such remarks as might be suggested by the consciousness of oppression: such remarks could have no other tendency than to excite hostile emotions, ill adapted to the grave consideration of the momentous question which they are deputed to

examine. Your committee will, therefore, proceed with calmness and temperance, to examine the opinion heretofore expressed by preceding legislatures of this state, that the several acts of congress, passed avowedly for the protection of domestic manufactures, are manifest infractions of the federal constitution, and dangerous violations of the sovereignty of the states.

The government of the United States, has ever been regarded by the sovereignty of Virginia, as federative in character, and limited in power; as deriving its powers from concessions by the states, which concessions were clear and explicit, plainly declarative of all which was delegated, and actually containing a specific enumeration of every power designed to be transferred. The purposes for which these powers may be exerted, have been regarded as distinctly defined, and it was considered that the government was prohibited, alike, from the exercise of any power not contained in the specific enumeration, as from the perversion of those actually delegated, to any purpose not contemplated in the grant. The convention which, on the part of Virginia, ratified the constitution of the United States, gave this interpretation to the instrument.—Its advocates then urged its adoption, as constituting such a government, as is here described. It was insisted, on many occasions, that the powers of the government were expressly enumerated; and that none others could be claimed. It was insisted, with equal earnestness, that the purposes for which these powers might be exerted, were as distinctly ascertained, and that they could not be perverted to any other object. The ablest and most zealous advocates of the constitution insisted, that such was its just construction, even according to the terms of the original text, and it must be acknowledged, that this construction is strengthened, by the subsequent adoption of amendments to the constitution. Those who opposed the ratification of the constitution, founded their objection on a supposed absence of limitation, according to the plan originally submitted; and proposed, as an expedient to remedy this defect, the amendments which were subsequently adopted. A majority, however, of the convention, determined on the ratification of the original text, explained and defined by its advocates, as organizing a government with limited powers, specifically enumerated, and restrained in the exercise of those powers, to the attainment of specific ends. An anxious solicitude to establish indisputably this construction, induced the recommendation of those amendments which have since been engrafted on the constitution, establishing this construction even in the opinion of those who opposed the adoption of the constitution.

This being the sense in which the constitution of the United States was originally accepted, your committee have anxiously examined the record of succeeding time, to discover if any thing has since occurred, calculated to change the import of the instrument; and after the most patient examination, they confidently report, that nothing has transpired which could in any manner modify its just construction. If at any succeeding period, attempts have been made to pervert the import of the original compact, Virginia has ever been prompt to avow her unqualified disapprobation, and manifest her undisguised discontent. The imperishable history of '98, has perpetuated the memory of her laudable zeal, in sustaining the true principles of the constitution, in maintaining the sovereign rights of the states, in successfully resisting the lawless usurpations of a government bent on the acquisition of boundless power. The deliberations of the legislature of this commonwealth, during the period of '98 and '99, in relation to the construction of the constitution, by a felicitous combination of circumstances, resulted in a just and luminous exposition of the true principles of the federal compact. This expose clearly ascertained the just limitations of federal power, and happily pointed out to future generations the just rule of interpreting the instrument. The construction then placed on the constitution, was submitted to the decision of the most august of all tribunals, and sustained by the judgment of United America.

The history of Virginia discloses several occasions, on which the constitution was brought in review, and the committee have found that on every occasion where the question was involved, the former legislatures of this commonwealth have insisted on a limited construction of the instrument. Sustained by

the concurrence of our predecessors, from the earliest history of the constitution, your committee find but little difficulty in determining the government of the United States to be federative in its character, and limited in its powers: that the powers vested in the government, are conveyed in an express enumeration: that no power can be constitutionally exercised, which is not contained in that enumeration: that the purposes for which the government was instituted, are explained in the instrument: and that the powers specified in the enumeration, cannot be legitimately exerted for any purpose not designated by the constitution.

Regarding these propositions as true, it seems to your committee, that to determine on the constitutionality of laws, passed for the protection of American manufactures, it can only be necessary to examine the enumeration of grants. If the power be there expressly delegated, then, indeed, the question ends. If on the contrary, no such power be there expressly conveyed, we must recur to further reflection.

In examining this enumeration of grants, your committee have not been able to discover any such express delegation, authorising the protection of American manufactures, by means of prohibitory, or protecting duties. They find, however, a clause in the constitution, empowering congress "to promote the progress of science and the *useful arts, by securing for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.*" On a critical examination of this clause, it will be found to bear with much force on the question, whether or not congress have the right to advance the manufacturing interest of America, by the imposition of prohibitory, or protecting duties? The ends which the government may attempt, are plainly ascertained by the terms of the compact. The means which may be legitimately exerted, for the accomplishment of these ends, are as plainly determined and described. The phrase *useful art*, it will be conceded, embraces and describes the manufacturing art; and it is deemed competent for congress to *promote its progress, by securing for a time*, to any fortunate or scientific artificer, the exclusive use of all his discoveries. The interest, then, of the manufacturing art may be promoted after the manner indicated in this clause; but the suggestion of this particular mode operates as an exclusion of all other modes, and it seems to follow as a natural consequence, that the manufacturing interest may not be promoted by the imposition of prohibitory or protecting duties.

The proceedings which were had in the federal convention, confirms this construction of this clause. The plan of government finally adopted, was submitted to the consideration of the convention on the 29th May, 1787, by an honorable member from the state of South Carolina. No such clause as the one now under consideration, was contained in the original draft, nor was any such engrafted on that draft by the select committee to whose examination the plan was subjected. On the 18th day of August, succeeding, it was proposed to consider the propriety of conferring on the government additional powers; and among others, the following were suggested for reflection:

To give to congress the power "to secure to literary authors, their copy rights for a limited time."

"To encourage, by proper *premiums* and *provisions*, the advancement of useful knowledge and discoveries."

"To grant patents for useful inventions."

"To establish public institutions, rewards and immunities, for the *promotion* of agriculture, commerce, *trades* and *manufactures*."

These propositions were referred to a select committee, who, after mature reflection, reported on the 5th of September following, the clause as it now stands in the body of the constitution; investing congress with the power "to promote the progress of science and the *useful arts*, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." It became the duty of that committee, in the examination of the subjects to them referred, to inquire into the expediency of investing congress with powers "*for the promotion*" of "*manufactures.*" In the event that they should find it expedient, it became their duty further to ascertain, the "proper

premiums and provisions" over which congress should be invested with power; what "public institutions, rewards and immunities" congress should be authorised to "establish" "for the promotion of agriculture, commerce, trades and manufactures": and after due deliberation, occupying the attention of the committee from the 18th of August to the 5th of September, it was determined that the only provision which should be made, was contained in the clause which at present occupies our attention. Thus, actually rejecting the propositions which were referred, and negatively declaring their intention, that congress should have no other power "to promote the progress" of "*manufactures*," than that of "securing for limited times" "to inventors, the exclusive right to their respective" "discoveries." This report was sustained by the convention, who thereby afforded unequivocal evidence of their will and design, in relation to the subject of domestic manufactures. Manufactures had become the subject of their thoughts: They gravely deliberated on the powers necessary to be vested in the government, for the promotion of the manufacturing art, and after a consultation of seventeen days, solemnly determined, that the only power over the subject, which it was wise to confer on the government, was, that of securing temporarily to inventors, any exclusive advantages which might result from their discoveries. Your committee cannot but regard these occurrences as a virtual, if not an actual rejection of the proposition to invest congress with any other powers, for the promotion of manufactures. And they are, therefore, the more confirmed in their conviction, that manufactures cannot be legitimately promoted, by the imposition of prohibitory or protecting duties.

Your committee would not rest assured, of a faithful discharge of the important duties which devolve upon them, were they to withhold all comment on such clauses of the constitution as have been claimed to convey to congress the right to protect domestic manufactures. The 8th section of the 1st article, has been relied on as conveying that right. This section provides, that "congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United State; but all duties, imposts and excises shall be uniform throughout the United States." It is insisted by the advocates of protecting duties, that congress is invested by this clause, with unqualified power over the subject of duties and imposts; which may be well exerted for the advancement or advantage of the American manufacturer. But this proposition appears to your committee to be entirely unsustainable. So far from conveying to the government of the United States unqualified power over the subject of duties and imposts, that government is restrained in the exercise of its power over the subject, to the accomplishment of objects enumerated in the very clause itself. The words, "to pay the debts, and provide for the common defence and general welfare of the United States," are ascertained by the plainest rules of gramatical construction, to be a limitation on the preceding member of the sentence, restraining congress in the exercise of the power "to lay and collect taxes, duties, imposts and excises," to the objects of paying the debts, and providing for the common defence and general welfare of the United States. If this be true, the section contains an express enumeration of all the purposes for which the power may be exerted: The care and attention of American manufactures, are not embraced within this enumeration; and it would seem to your committee necessarily to follow, that the power conveyed by the section, cannot be exerted for the protection or promotion of American manufactures.

It would be uncandid in your committee to elude or evade the examination of the question, whether or not the words "to pay the debts, and provide for the common defence and general welfare of the United States," convey to congress distinct or substantive grants of power? The affirmative of this proposition has been maintained by the advocates of protecting duties; but your committee confess, that after the most mature deliberation, they have not been able to arrive at a similar conclusion. The collocation of the words excludes the idea of such a construction. They are inserted after the terms "duties and imposts," and are immediately succeeded by the words "but all duties, imposts and excises, shall be uniform throughout the United States." This concluding mem-

ber of the section proves, that the attention of its framers had not been diverted from their primary subject. They had not introduced another subject, but were engaged in modifying, restraining or regulating the power over the subject first introduced. Their provisions were to have reference to it; there was nothing else on which they could attach, and the words "to pay the debts, and provide for the common defence and general welfare of the United States," could no otherwise affect the power "to lay and collect taxes, duties, imposts and excises," than as creating a limitation, restraining congress in its exercise, to the raising of money for the purpose of paying the debts, and providing for the common defence and general welfare of the United States. Had the convention designed these words as conveying any substantive grant, they would have been separated by more distinct marks of punctuation. They would have been thrown into a separate sentence. This was done in every other instance. All other subjects of grants of power have been treated of in sentences. The grants and provisions on each subject, are perfected and concluded before the introduction of another subject; and it would seem to your committee to be unaccountable, if in this particular instance the convention had introduced a distinct grant between the clause which relates to the raising of money, and an acknowledged limitation on that clause. To construe the words as containing a substantive grant of power, is to convict the framers of the constitution of the gross impropriety of interpolating one substantive grant between another substantive grant and its acknowledged limitation. If these words, "to pay the debts, and provide for the common defence and general welfare of the United States," were designed as a limitation on the first member of the sentence, the collocation cannot be improved: They follow immediately the words which they were intended to qualify, and have a natural and obvious connection with them.

If, on the contrary, they be designed to impart additional energies to the government, the convention are convicted of this confused interpolation, when by a natural transposition of the members of the sentence, the design would have been clear. The difficulty would have been rendered less, had the section been construed thus: Congress shall have power,

To lay and collect taxes, duties, imposts and excises; but all duties, imposts and excises, shall be uniform throughout the United States.

Congress shall have power to pay the debts, and provide for the common defence and general welfare of the United States.

Had this subject been thus arranged, it would have strengthened the argument for protecting duties; but, as the members of the sentence are at present disposed, to construe the words "to pay the debts, and provide for the common defence and general welfare of the United States," as conveying substantive grants, is to convict the framers of the constitution of disjoining the limitation, "but all duties, imposts and excises, shall be uniform throughout the United States," from the power "to lay and collect taxes, duties, imposts and excises," which it was designed to limit, and of appending it to the power "to pay the debts, and provide for the common defence and general welfare of the United States," which it was not designed to affect at all. But, the convention is relieved from the imputation of these inaccuracies of composition, by giving to their proceedings their rational explication, that the latter members of the sentence were designed as limitations on the power to raise money: The one declarative of the purposes for which it might be raised, the other prescribing that it should not be raised in unequal proportions on the several sections of the Union.

If this conviction wanted confirmation, it would be found in the history of the section, as it was originally introduced to the consideration of the convention. It contained unlimited authority over the subject of taxes, duties, imposts and excises. It was submitted in these words: "The legislature of the United States shall have power to lay and collect taxes, duties, imposts and excises." In this form it was referred to a select committee, who reported it without amendment or appendage. On the 16th of August, it was proposed to insert at the end of the section: "*Provided*, That no tax, duty or imposition,

shall be laid by the legislature of the United States, on articles exported from any state." The consideration was postponed, and the subject referred. Sixty days afterwards, the committee reported the section with amendments, so as to make it stand: "The legislature of the United States shall have power to lay and collect taxes, duties, imposts and excises, *for payment* of the debts and necessary expenses of the United States, provided that no law for raising any branch of revenue, except what may be specially appropriated for the payments of interest on debts or loans, shall continue in force for more than years."

Your committee here discover the origin of the clause which relates to the payment of the debts, and the provision for the common defence and general welfare of the United States. Under the terms in which it was introduced, no doubt can exist as to its object. It was a manifest limitation on the preceding member. The power to raise money had been granted without limitation, and the amendment restrained its exercise to the raising of money "*for payment* of the debts and necessary expenses of the United States," with the addition of a proviso containing even a further limitation. On the 23d of August, it was moved to amend this section so as to make it "the legislature shall fulfil the engagements, and discharge the debts of the United States, and shall have power to lay and collect taxes, duties, imposts and excises." This motion prevailed, but was re-considered on the ensuing day, and the subject re-committed. On the 31st of August, it was agreed that "duties, imposts and excises, laid by the legislature, shall be uniform throughout the United States." On the 4th of September, the committee fully and finally reported the section, in these words, thus punctuated: "The legislature shall have power to lay and collect taxes, duties, imposts and excises, to pay debts and provide for the common defence and general welfare of the United States." It does not appear from the journal of the convention, that this part of the section ever again came under consideration, after the confirmation of this report; except that perhaps, on the 14th of September, it received as an amendment the addition of these word: "but all duties, imposts and excises, shall be uniform throughout the United States." A committee of five members was appointed "to revise the style of, and arrange the articles agreed to by the house." This committee was invested with no power to adopt any amendment affecting in any manner the import of the sentence, and whatever modification is subsequently experienced, was adopted from a regard to propriety of arrangement, and accuracy of style.

It is obvious from this plain relation, that the original design in introducing this member of the sentence, was the creation of a limitation on the power to raise money, prohibiting the exertion of that power, except "*for payment* of the debts and necessary expenses of the United States." This limitation was had constantly in view, and whatever modifications the language experienced, were adopted from a regard to the propriety of style.

Various and numerous are the reflections which have suggested themselves to your committee, demonstrating the truth of the proposition, that congress cannot, legitimately "lay and collect taxes, duties, imposts and excises," to advance the interest of the American manufacturer. It will not be contended, that congress have power to impose and collect taxes or excises, to confer gratuities on any favored portion of the community; none would contend for such a power, and for the honor of the American people, it is hoped, that few would submit to its practical operation; but the power of congress over duties and imposts, is not more ample than that over taxes and excises. The power over all is precisely the same; conferred by the very same section of the constitution; by the use of the very same terms; under precisely the same limitations. Any object which may be accomplished or attempted, by the exertion of the power to lay and collect duties and imposts, may be as constitutionally accomplished or attempted, by the exertion of power to lay and collect taxes or excises. The selection from among these various means, is left to the wisdom and discretion of congress. The propriety of selecting the one or the other, must be resolved into a question of expediency, and on occasions where congress

may not select at discretion, it has no power to select at all. If, then, taxes and excises may not be legitimately imposed, to confer gratuities on the favorites of government, it would seem to your committee to be difficult to demonstrate the competency of the government to lay and collect duties and imposts, to further the interest of the American manufacturer, who, far from rendering any equivalent for the advantage which he derives from the operation of the tariff, occasions a great and incalculable loss to the treasury.

Acting under the influence of these reflections, your committee are constrained to adopt the opinion, that there is nothing in this section, which confers on congress the right to foster domestic manufactures, by the imposition of prohibitory or protecting duties.

This right has been claimed for the government, under the clause which gives to congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." But it seems to your committee, that the authority to regulate commerce, involves no power over domestic manufactures. The phrases are entirely dissimilar, and cannot be construed as synonimous. Each is a distinct, determinate subject, and they cannot possibly be identified. Commerce being the interchange of commodities, implies the *exchange* of one thing for another, between different individuals or nations. Domestic manufactures are local establishments, founded for the *production* of commodities, and the phrase implies no *exchange* at all. The term *commerce* associates a general idea of *trade*. The term *manufactures* associates the idea of fixed, permanent, local foundations. Commerce supplies to the American citizen, in return for the product of his labor, the varied products of distant climes. Manufactures convert his raw material into fabrics for consumption. Sophistry itself cannot identify things thus substantive and distinct; nor render synonimous, the terms or phrases by which they are represented. Yet the argument which derives the power to protect domestic manufactures from the power to regulate commerce, does indeed identify the subjects, and render the terms substantially synonimous.

The power too to regulate commerce, was granted with a view to its perfection. Independent of the consideration of revenue, it was delegated to secure the most advantageous arrangements in foreign trade, and to ensure domestic tranquillity, by extinguishing all subjects of cavil among the states, originating in particular conflicting legislation. But the policy of the protecting duty's system, is by no means the advancement of commercial interest. Its object is to extinguish foreign trade; whilst it surely disturbs domestic tranquillity, by furnishing a subject of loud and heavy complaint, of severe and angry recrimination. To derive, then, the right to protect domestic manufactures, from the power to regulate commerce, would be to pervert the design of the framers of the constitution, defeat the ends of the instrument itself, and to establish the paradoxical proposition, that it is the same thing to perfect and to destroy.

Having concluded this minute examination of the several clauses of the constitution, which were supposed to refer to the subject of protecting duties, or which have been claimed to have such reference, your committee find themselves occupying a position whence they may proceed with greater advantage to the contemplation of this momentous subject. The great design of the federal compact, as conceived by the wisdom of its illustrious authors, was the establishment of a government, competent to combine the energies of the several states, for the purposes of mutual and reciprocal safety and protection, against foreign insult and aggression: A government, adequate to secure the harmony and tranquillity of America, by exterminating all subjects of feud, and interposing its friendly and impartial adjudication, on occasion of cavil or dispute among the states. Experience had shewn to our sagacious statesmen, that these were subjects of a general concern, in which the states held a common interest; the advantages of which were mainly sacrificed by the particular conflicting legislation of the states. The jurisdiction over these, it was obviously proper to vest in some common tribunal, having authority to legislate for the general weal; and in relation to these subjects, to secure the greatest possible advantages to the common family of American states. The difficulty

and delicacy of erecting such a tribunal, with powers adequate to these ends, yet so constructed as to ensure the perpetual independence of the states, with unimpaired authority over all other subjects, forcibly suggested itself to the sagacity of those who then controuled the destinies of America. They despaired of this vast achievement, by the efforts and under the sanctions of individual man; and wisely determined to bring to its accomplishment, the energies and sanctions of independent sovereignties.

Your committee will not impose on themselves the labor of compiling an historical sketch of the transactions which induced the foundation of the federal government. This history, it is presumed, is familiar to all. In conformity with arrangements previously understood, the distinct and independent states of America assembled in general convention at Philadelphia, and in their sovereign, corporate characters, proceeded to consider the nature of the compact, which it might be deemed wise to establish among themselves. All the proceedings which were then had, were despatched in their characters of sovereign states, and a government was instituted, not sustained by the sanction of a majority of the people of America, but by the sanctions of the people of the several states. The plan of government, then established, was conformable to suggestions heretofore made. Each of the sovereignties then assembled, determined to cede to the federal government, certain portions of its sovereignty, reserving the residue unimpaired. In the cessions which were made, the government was enabled to concentrate the whole strength of the Union, for the assertion and vindication of our national rights. It was invested with sufficient power to tranquillize disturbances among the states, together with a general jurisdiction over such matters of general concern, as involved the common interests of the states, but which could not be wisely arranged, by the rival, partial and conflicting legislation of the particular states. The jurisdiction over all other subjects was expressly reserved to the states respectively. All subjects of a local nature, the internal police of the states, the jurisdiction over the soil, the definition and punishment of crime, the regulation of labor, and all subjects which could be advantageously disposed, by the authority of a particular state, were reserved to the jurisdiction of the state governments. The wisdom of this regulation will not be questioned; for, it surely must be sufficiently obvious, that to subject our local or domestic affairs, to any other authority than our own legislature, would be to expose to certain destruction, the happiness and prosperity of the people of Virginia. This principle was accordingly established; that all subjects of a general nature should be confided to the federal government, while those which were local in their character, were reserved for the jurisdiction of the states respectively.

This distribution of political power having been established by the constitution, the happiness and prosperity of the American people demand that it should be preserved. The theory of government as established in America, contemplates the federal and state governments as mutual checks on one another, constraining the various authorities to revolve within their proper and constitutional spheres. Each government is invested with supreme authority, in the exercise of its legitimate functions; whilst the authority of either is wholly void, when exerted over a subject withheld from its jurisdiction. Should either depository of political power, unhappily be disposed to disregard the constitution, and destroy the proportions of our beautiful theory, it devolves upon the other to interpose, as well from a regard to its own safety, as for the perpetual preservation of our political institutions. If there be a characteristic of the federative system, peculiarly entitled to our admiration, it is the security which is found for individual liberty in the separate energies of distinct governments, uniting and co-operating for the public good; but separating and conflicting, when the object is evil. This inherent characteristic of the federative system, was contemplated with the most anxious solicitude by the founders of the federal republic. It was in it, that they found the general interests of America preserved from the clash of particular legislation; it was by it, that they fortified our domestic concerns from the invasions and infractions of federal authority; it was by it, that their fears were calmed and subdued, on the great

question of adoption or rejection, when the very being of the federal constitution depended on the determination of the several states. The history of that eventful period, discloses the apprehensions of illustrious sages, lest the sacred liberty of the American citizen should be invaded by the arbitrary acts of the general government; and that these apprehensions could only be allayed by the assurance and conviction, that the state governments were adequate to the resistance of federal encroachments. The legislatures, then, of the several states, are contemplated by the theory of American government, as the guardians of our political institutions; and whenever their proportions are destroyed or violated, it becomes the duty of the several legislatures calmly and temperately to attempt their restoration.

The reflections in which your committee have indulged, constrain them to express their unfeigned regret that the government of the United States, by extending its influence to domestic manufactures, has drawn within its authority a subject over which it has no control, according to the terms of the federal compact; and that this influence has been exerted after a manner, alike dangerous to the sovereignty of the states, and injurious to the rights of all other classes of American citizens.

Acting under the influence of these reflections, your committee have contemplated with deep interest the situation of the general assembly, and the duties which devolve upon that body. They cannot suppress their solemn conviction, that the principles of the constitution have been disregarded, and the just proportions of our political system disturbed and violated by the general government. The inviolable preservation of our political institutions, is entrusted to the general assembly of Virginia, in common with the legislatures of the several states: and the sacred duty devolves upon them, of preserving these institutions unimpaired. Yet, an anxious care for the harmony of the states, and an earnest solicitude for the tranquillity of the Union, have determined your committee to recommend to the general assembly, to make another solemn appeal to those with whom we unhappily differ: and that the feelings of Virginia may be again distinctly announced, they recommend the adoption of the following resolutions:

1. *Resolved, as the opinion of this committee,* That the constitution of the United States, being a federative compact between sovereign states, in construing which no common arbiter is known, each state has the right to construe the compact for itself.

2. *Resolved,* That in giving such construction, in the opinion of this committee, each state should be guided, as Virginia has ever been, by a sense of forbearance and respect for the opinion of the other states, and by community of attachment to the Union, so far as the same may be consistent with self-preservation, and a determined purpose to preserve the purity of our republican institutions.

3. *Resolved,* That this general assembly of Virginia, actuated by the desire of guarding the constitution from all violation, anxious to preserve and perpetuate the Union, and to execute with fidelity the trust reposed in it by the people, as one of the high contracting parties, feels itself bound to declare, and it hereby most solemnly declares, its deliberate conviction, that the acts of congress, usually denominated the tariff laws, passed avowedly for the protection of domestic manufactures, are not authorised by the plain construction, true intent and meaning of the constitution.

4. *Resolved, also,* That the said acts are partial in their operation, impolitic, and oppressive to a large portion of the people of the Union, and ought to be repealed.

5. *Resolved,* That the governor of this commonwealth be requested to communicate the foregoing preamble and resolutions to the executive of the several states of the United States, with the request that the same be laid before their respective legislatures.

6. *Resolved,* That the governor be further requested to transmit copies of the same report and resolutions to the senators and representatives of Virginia in the congress of the United States, with a request to the representatives, and

instruction to the senators, that the same be laid by them before their respective houses.

Agreed to by the House of Delegates.
GEORGE W. MUNFORD, C. H. D.

February 21st, 1829.

Agreed to by the Senate.
ADDISON HANSFORD, C. S.

February 24th, 1829.

Ordered, That the said message, together with the documents accompanying the same, be committed to a committee of the whole house, when on the resolutions of the legislature of South-Carolina.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act relative to public notaries and commissioners of deeds in the several cities of this state."

"An act providing for the appointment of inspectors of unslaked lime in the county of Greene."

E. T. THROOP.

Albany, March 17, 1829.

A communication from the secretary of state, as superintendent of common schools, was read in the words following, to wit:

STATE OF NEW-YORK,
SECRETARY'S OFFICE. } *Albany, March* 17, 1829.

The secretary of state, to whom was referred, as superintendent of common schools, the petition of the inhabitants of the city of Albany, in relation to the distribution of the common school monies, respectfully reports:

That the petition, which is signed by a very numerous and highly respectable portion of the inhabitants of Albany, complains of that provision in the existing law, by which "the whole of that part of the annual dividends of the common school fund which is apportioned to the city of Albany, is paid to the trustees of the Lancaster school": That many of the citizens "are so situated that their children cannot conveniently have access to the school"; "and from being at the same time debarred from participating in the bounty of the state, many poor and industrious citizens are unable to procure for their children the means of a common English education"; and the prayer of the petition is, that the school money may be "distributed among the several wards of the city, upon the conditions, and in the manner, that it is among the towns in the other parts of the state."

The trustees of the Lancaster school, on the other hand, feel a very deep interest in this question; and as their annual report is made officially to the superintendent, he has considered that he could not do better justice to the subject and the parties, than to give the following extract from that report:

"The present Lancaster school was first established by the corporation of the city of Albany, by an ordinance of the 14th of October, 1811, which appropriated out of the city funds (until legislative aid should be obtained,) the sum of $400 annually, for the support of the school, and placed it 'under the government and direction of persons to be chosen annually by the common coun-

cil.' Under this organization, the directors of the school reported to the corporation on the 6th of December, 1811, that they had entered on the discharge of their duties, and had, among other things, determined 'that the price of tuition for each scholar should be from twenty-five cents to one dollar per quarter, to be apportioned according to the circumstances;' at the same time declaring, that the chief object of the institution was to provide for the education of poor children, and suggesting to the corporation the propriety and necessity of their granting a suitable site for a school-house, and making other provisions for the accomplishment of the great object in view. On receiving this report, the corporation, by a resolution of the 3d of February, 1812, appointed a committee to determine on a proper site for the school, and at the same time resolved that they would, at a future day, appropriate a sum of money sufficient to purchase the site which should be selected, and also to erect a suitable building for the school, on condition that the legislature would '*appropriate the money arising from the common school fund, and which by law would be the proportion to which the city of Albany would be entitled, expressly to the support of a Lancaster school in said city.*' The directors of the school, on receiving notice of these proceeding in the corporation, immediately resolved to apply to the legislature, then in session, for an act of incorporation, and also for a grant to them of so much of the money arising from the common school fund, then for the first time about to be distributed, as should from time to time be allotted to the city of Albany. Such an application was accordingly soon after made to the legislature, with the consent and approbation of the city corporation, and the result was the present act of incorporation, passed the 26th May, 1812, and the grant made on the 19th of June of the same year, by a provision incorporated in the act for the establishment of common schools, directing that the share of school money apportioned from time to time to the city of Albany, should be paid to the trustees of the Lancaster school in said city, '*to be applied to the education of such poor children belonging to said city, as should be, in the opinion of the trustees, entitled to gratuitous education.*' This provision in the school act has been continued in every revision which the act has undergone since 1812, and in conformity to it, the trustees have hitherto received all the school money allotted to the city of Albany.

"The trustees having thus fulfilled, on their part, the condition on which the corporation of the city had, by their resolution of the 3d of February, 1812, agreed to procure a suitable site for the school, and erect a proper building on it, applied for a performance of that agreement on the part of the corporation, and after several applications made with great urgency during the years 1813 and 1814, the corporation, by a resolution of the 14th May, 1814, appropriated, or agreed to appropriate, for the use of the school, the ground now occupied by it; and soon afterwards erected, at an expense of more than $20,000, the present building, which furnishes the most ample accommodations for all the departments of the institution. To this building the trustees removed their school in May, 1817, where it has ever since remained, affording the means of gratuitous education to every poor child in the city of Albany, who has applied for admittance to it.

"The trustees of the Albany academy having, on the application of the trustees of the Lancaster school, generously consented to receive and educate, gratuitously, in the higher branches of study pursued in their institution, a certain number of pupils, whom the trustees of this institution should select and present to them as worthy of such an honorable gratuity, it affords the trustees great satisfaction to be able to inform the society, that they have, in pursuance of the arrangement thus made with the academy, from time to time made various selections from the highest and most meritorious scholars in the school, and presented the pupils selected by them, to the academy, as a reward for their distinguished merit. And they have the pleasure to add, that several of the pupils promoted by them to the academy, have, by their industry, talents and acquirements, shown themselves worthy of the honor conferred on them, and give promise of great future usefulness and respectability."

The trustees of the Lancaster school have appropriated $250 annually, for the education of poor children of color at a separate school.

The average number of scholars instructed gratuitously by the Lancaster school society, for the last three quarters, has been 392 each quarter, as appears by the report of the trustees.

A statement has been presented on the part of the petitioners, which assumes that there are 3,500 children in the city between the ages of 5 and 15: from this deduct 400, the average number attending the Lancaster school, which, says this statement, leave "*three thousand one hundred entitled to public money who do not receive it.*"

This is an erroneous view of the subject. The Lancaster school is open to the children of all the other wards of the city, as much as it is to those of the ward in which the building is located; and none are turned away or neglected in consequence of their location, or inability to pay. The distance which some scholars have to walk to get to the school, may, in many cases, be inconvenient; but it is stated by one of the trustees, that great numbers of children do attend the school from the remote parts of the fifth ward. If, then, the privileges of the Lancaster school are enjoyed alike by the children residing in all the wards of the city, or at least by such in each ward as need the aid of the school money, the complaint that the 3,100 children, who have the ability and the inclination to attend pay schools, are deprived of that share of the school money to which they are entitled, loses all its force. In every village in the state, there are private schools, and the children attending those schools are enumerated among those who draw public money; but they are not entitled, by law or usage, to any share of the money, unless they attend the district school, which is open to all who desire to attend. The privileges of the Lancaster school are not by any means restricted to the territory of the first ward; the building, to be sure has its location in that ward; but the advantages which flow from instruction, are extended to all parts of the city.

The plan to which allusion has been made, contemplates that the city should be divided into fifteen school districts. This number of districts, and even a greater number, might be necessary, if it could be expected that the children would as generally attend the district schools here as they do in the country towns. But experience in other cities, and in villages, satisfactorily shows that this cannot be anticipated. In Troy, the four first wards, embracing a population of more than 7,000 at the last census, are, by a special act, formed into one district, and the commissioners of schools are prohibited from altering the district thus formed. In 1827, this district contained 1,685 children, between 5 and 15, and received $871 78, and instructed only 309 scholars during the year. It was ascertained however, in 1827, that there were in the city of Troy 17 private pay schools, in which 735 scholars were instructed. The village of Utica, by a special act of the legislature, (sec. 156, chap. 15,) forms one school district; within the bounds of this dictrict, it will be seen by the last school report, there are 1,500 children between 5 and 15; the amount of public money paid to the free school, is $623 56, and only 215 scholars are returned as having been taught during the year, The town of Brooklyn is divided into five districts by the school commissioners; the number of children returned between 5 and 15, is 2,604; the public money paid to the five districts, amounts to $1,335, and yet only 760 scholars are reported to have been taught in the common schools during the year 1828.

According to the principles advanced in the statement before alluded to, there are in Troy 1,376 children "entitled to public money who do not receive it;" in Utica, 1,825; in Brooklyn, 1,844; in Poughkeepsie, 847; in Catskill, 353; and a state of things somewhat similar exists in all the principal villages of the state.

It is reasonable to believe that in all these cases an increase of the number of district schools might be beneficial, and would tend to a more just equalization of the school money; but if the present apportionment is unjust in Albany, it is equally so in the other places referred to. The common school system, as it now exists in relation to the cities and villages, has been adopted by special

acts of the legislature, on the application and by the advice of those who had the best means of forming correct opinions in the several towns interested; and a system thus matured, and producing satisfactory results, ought not to be cast aside for light causes, or in any manner changed without mature deliberation.

If it is proposed to furnish schools for all the children of the city, fifteen schools, as proposed, would be altogether insufficient; and if it is designed to embrace such only as do not choose to attend private pay schools, fifteen school houses, in addition to the Lancaster school, would not be required. In 1827 a census of the schools in Albany was taken, and there were at that time forty-three private pay schools in the city, in which 1,914 scholars were instructed; this number of schools has been undoubtedly increased, and most of them would continue even after the establishment of district schools.

After the consideration which the superintendent has been able to bestow upon this subject, he would respectfully suggest:

That the inhabitants of the wards at the annual meetings for electing supervisors, &c. be authorised to choose a commissioner of common schools in each ward; that these shall form a board of commissioners for the city, with power to form school districts not exceeding four, in the compact part of the city; nor more than two districts, in addition, beyond those bounds. That when the commissioners form a district, they shall appoint three trustees, whose duty it shall be to rent a school-house, and furnish it with necessary fuel and appendages, to employ a teacher, to fix the rate of tuition fees, and to collect the same from the patrons of the schools, except from those who, in the opinion of the trustees, ought to be exempted. The payment of the rent of the school-houses, might be provided for by the common council, and the amount be assessed upon the city. By section 133, chapter 15, the common council of Troy has power to raise 500 dollars annually, for a similar purpose.

The amount of school money apportioned to the city of Albany, is $988.02; the corporation pays to the Lancaster school, of the excise money, $500. In every other town and city in the state, a sum equal to the apportionment of school money from the state treasury, is raised by a tax upon the town, and distributed for the use of schools.

There is no valid reason for making Albany an exception to this general assessment. And in order to place this city upon a footing of equality with other parts of the state, there should be raised by tax, in addition to the $500 now paid to the Lancaster school, the sum of $488 for the use of schools. If, then, $500 were paid to the Lancaster school in addition to the $500 paid by the corporation, there would still remain $976 to be divided among the district schools, which might be distributed among them in proportion to the average number of children instructed, provided the schools were kept by competent teachers, for at least 10 months during the year. This would diminish the funds of the Lancaster school, but would at the same time lessen the number of scholars to be instructed gratuitously in that school. The amount of school money, however, would be about equal to that which was paid to the Lancaster school at the period when the act to make the apportionment exclusively to the trustees of that society was passed.

One advantage to be expected from having a number of district schools, would be the facilities which it would afford by means of the trustees, of ascertaining the means of each individual to pay for tuition. It is desirable that the parents or guardians should in all cases pay something for tuition. If this is exacted in every case, it produces an equality of feeling, which is always desirable, and a spirit of independence which ought to be cherished; and whether the amount paid is 25 cents or one dollar, it is the foundation of a claim which places every scholar upon an independent footing; and gratuitous instruction should be given only in extreme cases.

The petition states, that "many of our citizens diapprove of the Lancasterian mode of instruction." It is not improbable that such opinions are formed from a very imperfect knowledge of the monitorial system of instruction: a system which is in successful operation in many parts of the state, and which affords

very great facilities for imparting useful instruction in the most economical manner. These prejudices against the system of instruction, ought not to be allowed to bear unfavorably upon the Lancaster school, in the decision of this question.

In closing this report, it is just and proper to say, that, in the opinion of the superintendent, the trustees of the Lancaster school have fulfilled all their obligations to the public; their exertions have been eminently beneficial in imparting instruction to such as had not the means or the inclination to acquire it themselves; and their labors of usefulness entitle them not only to the approbation, but the gratitude of every member of this community.

All which is respectfully submitted,

A. C. FLAGG,
Superintendent of Common Schools.

Ordered, That the said communication and petition be referred to the committee on colleges, academies and common schools.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and jail in said county," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and jail in said county," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" the said report being that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being divided, the 35th section thereof was read, in the words following, to wit:

§ 35. Every monied corporation subject to this act, shall be entitled to receive the legal interest established, or which may hereafter be established by the laws of this state, on all notes by them severally discounted or received in the ordinary course of business; but on all notes by them discounted or received in the ordinary course of business, which shall be mature in sixty-three days from the time of such discount, the said monied corporation shall not take or receive more than at and after the rate of six per centum per annum in advance.

Thereupon,

Mr. Judd made a motion that the house should agree to amend the said report, by striking out the said 35th section, and inserting instead thereof the words following, to wit:

Every monied corporation subject to this act, shall be entitled to demand and receive, on all notes discounted and loans by them severally made, interest upon the same in advance at the rate of six per cent.

Debates were had upon the said motion of Mr. Judd; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	74
AYES	31

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Falley	Mr. Mallory	Mr. Sill
Mr. Arnold	Mr. Fitch	Mr. Mandeville	Mr. Skinner
Mr. Austin	Mr. Fleming	Mr. Mann	Mr. A. Smith
Mr. Bacon	Mr. Fowler	Mr. Mathews	Mr. H. D. Smith
Mr. Bailey	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. L. Smith
Mr. C. Baker	Mr. Garbutt	Mr. Morell	Mr. Soper
Mr. E. Baker	Mr. Gardiner	Mr. Myers	Mr. Spier
Mr. Baragar	Mr. J. Hall	Mr. Noble	Mr. Stanton
Mr. Bostwick	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Boynton	Mr. Hazeltine	Mr. Paige	Mr. P. Van Beuren
Mr. Brinkerhoff	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Hubbell	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Hynds	Mr. Redfield	Mr. White
Mr. Curtis	Mr. Ives	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Jenkins	Mr. Savage	Mr. Williams
Mr. Dickson	Mr. Johnson	Mr. Scott	Mr. Williamson
Mr. Dygert	Mr. Jones	Mr. Seeley	Mr. Wyckoff
Mr. Efner	Mr. Lindsley	Mr. Sheppard	Mr. Young
Mr. Eldridge	Mr. C. L. Livingston		74

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Gross	Mr. M'Niel
Mr. Bogert	Mr. Defreest	Mr. Hammond	Mr. Mixer
Mr. Bradish	Mr. Dyckman	Mr. Hascall	Mr. Speaker
Mr. Burt	Mr. Edgerton	Mr. Hedges	Mr. Starr
Mr. Cargill	Mr. Fillmore	Mr. Holdridge	Mr. Tailor
Mr. Carley	Mr. Garnsey	Mr. Hubbard	Mr. Teller
Mr. Carrier	Mr. Gosman	Mr. Judd	Mr. Van Wyck
Mr. Dana	Mr. Graham	Mr. M'Crea	31

In further proceeding in the said report, the 27th section thereof was read, in the words following, to wit:

§ 27. It shall not be lawful for any such monied corporation to issue, or to have outstanding or in circulation, at any time, an amount of notes or bills loaned or put in circulation as money, exceeding twice its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time exceed twice and a half the amount of its capital stock so paid in and possessed.

Thereupon,

Mr. Dana made a motion that the house should agree to amend the same, by striking out, in the third line thereof, the word "twice," and inserting instead thereof the words "two hundred and fifty per cent upon."

Debates were had upon the said motion of Mr. Dana; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	80
AYES	23

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Defreest	Mr. Ives	Mr. Redfield	
Mr. Allison	Mr. Dyckman	Mr. Johnson	Mr. Savage	
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. Scott	
Mr. Arnold	Mr. Efner	Mr. Lindsley	Mr. Seeley	
Mr. Austin	Mr. Falley	Mr. C. L. Livingston	Mr. Sheppard	
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. Sill	
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. A. Smith	
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mann	Mr. H. D. Smith	
Mr. Bogert	Mr. Gardner	Mr. Mathews	Mr. L. Smith	
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Spier	
Mr. Boynton	Mr. Graham	Mr. J. M'Donald	Mr. Stanton	
Mr. Bradish	Mr. J. Hall	Mr. W. M'Donald	Mr. Tailor	
Mr. Brinkerhoff	Mr. Hammond	Mr. M'Niel	Mr. P. Van Beuren	
Mr. Cargill	Mr. Hascall	Mr. Mixer	Mr. Waugh	
Mr. Carley	Mr. Hazeltine	Mr. Myers	Mr. White	
Mr. Carrier	Mr. Hedges	Mr. Noble	Mr. Willey	
Mr. Case	Mr. Heermans	Mr. Norton	Mr. Williams	
Mr. Collier	Mr. Hubbard	Mr. Paige	Mr. Williamson	
Mr. Curtiss	Mr. Hubbell	Mr. Phoenix	Mr. Wyckoff	
Mr. Dayton	Mr. Hynds	Mr. Randall	Mr. Young	80

Those who voted in the affirmative are—

Mr. Bacon	Mr. Edgerton	Mr. Holdridge	Mr. Speaker	
Mr. Burt	Mr. Fitch	Mr Jenkins	Mr. Starr	
Mr. Chandler	Mr. Fleming	Mr. Judd	Mr. Teller	
Mr. Dana	Mr. Gosman	Mr. Morell	Mr. Van Wyck	
Mr. Dean	Mr. Gross	Mr. Sanford	Mr. Wheeler	
Mr. Dickson	Mr. W. Hall	Mr. Soper		23

Thereupon,

The report of the committee of the whole being amended by the house, the same was read, in the words following, to wit:

An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

Section 1. Every monied corporation having banking powers, hereafter to be created in this state, or whose charter shall be renewed or extended, shall be subject to the provisions of this act.

§ 2. For the purpose of creating and continuing the fund herein established, every such corporation shall, on or before the first day of January in every year, pay to the treasurer of this state, a sum equal to one half of one per cent on the capital stock of such corporation paid in, after excepting therefrom such part of said capital stock as is held by the state, and at that rate for the time such corporation shall have been in operation, if less than one year.

§ 3. At the time of making any such payment, the corporation making the same, shall cause to be delivered to the treasurer of this state, a statement, signed by the president and cashier of the corporation, and verified by their oath, duly made before some officer authorised to administer oaths, specifying the actual amount of the capital stock of such corporation paid in, and designating in such statement the amount of said capital stock as shall be owned by the state.

§ 4. The said annual payments shall continue to be made, until every such monied incorporation shall have paid into the treasury three per cent upon its capital stock, which shall be and remain a perpetual fund, to be denominated the "bank fund," and to be inviolably appropriated and applied to the payment

of such portion of the debts, exclusive of the capital stock, of any of the said corporations which shall become insolvent, as shall remain unpaid, after applying the property and effects of such insolvent corporation as hereafter provided.

§ 5. The comptroller and treasurer of this state, shall keep proper accounts of the said bank fund, separate and distinct from the other funds of this state; and the comptroller shall from time to time report to the legislature the condition thereof.

§ 6. The said fund shall be the property of the corporations by which the same shall be paid, in proportion to the amount which each of such corporations shall have contributed thereto; but the comptroller shall have power, and it shall be his duty, from time to time, to invest the same, and all monies belonging thereto, in the manner provided by law in respect to the common school fund. And whenever it shall become necessary, for the purpose of meeting any charges on the said fund, to sell any stocks in which such fund or any part thereof may be invested, the comptroller shall have power to make such sale.

§ 7. The income arising from said fund, after deducting thereout the salaries of the bank commissioners hereinafter mentioned, shall annually be paid by the comptroller to the several corporations by which the said fund shall be created, in proportion to the amount which each of the said corporations shall have contributed thereto: But no corporation shall be entitled to any part of the said income, after it shall become insolvent, or shall be dissolved, or its charter shall expire.

§ 8. Whenever the fund created by this act shall be reduced by the payment of the debts of an insolvent corporation, to be made as hereinafter provided, below the sum as provided in the fourth section of this act, every monied corporation then existing, which shall be subject to this act, and every such corporation thereafter to be created, shall, on or before the first day of January in every year thereafter, pay to the treasurer of this state, such sum to be designated by the comptroller, not exceeding a sum equal to one half of one per cent on its capital stock, as herein before provided; which last mentioned annual payments shall continue to be made by every corporation subject to the operation of this act, until the aforesaid fund shall be reimbursed, and made to amount to the sum as provided in the fourth section; after which, such annual payments shall be suspended, until it shall become necessary again to resort to the said fund, by reason of the insolvency of any such corporation, as hereinafter provided, when the said payments shall be resumed in manner aforesaid; and so on, from time to time, as occasion may require.

§ 9. Whenever any corporation subject to the operation of this act, shall become insolvent, and shall be proceeded against as hereinafter provided, it shall be the duty of the court of chancery, immediately after a final dividend of the property and effects of such insolvent corporation shall have been made among the creditors thereof, to cause an order to be entered on its minutes, setting forth,

1. The total amount of debts against the said corporation, ascertained and established by the said court, including lawful interest thereon:

2. The nett amount of monies derived from the property and effects of the said corporation, and applied, under the direction of the said court, towards the satisfaction of such debts: And,

3. The total amount of monies then requisite to pay off and discharge the said debts.

Such order shall also direct the receiver appointed to take charge of the property and effects of the corporation, to apply to, and receive from, the comptroller of this state, in the manner hereinafter provided, the sum which shall be required to pay off and discharge the said debts.

§ 10. Upon such receiver's filing with the comptroller of this state, a copy of such order, duly certified by the proper officer, and countersigned by the chancellor, it shall be the duty of the said comptroller to draw his warrant on the treasurer, in favor of such receiver, for such sum, not exceeding the amount of the bank fund, as may have been declared by the said court of chancery to

be necessary to satisfy the debts of the said corporation; and the monies paid to such receiver by such warrant, shall be paid out by him, under the direction of the court of chancery, to the several creditors of the corporation.

§ 11. If at the time of filing with the comptroller the copy of such order, the bank fund shall be insufficient to satisfy all the debts of the insolvent corporation, a sum sufficient to satisfy the residue of such debts as shall remain unpaid, shall be paid to such receiver, in the manner provided in the last preceding section, out of the first monies that shall thereafter be paid to the treasurer pursuant to the eighth section of this act: and the monies so paid to such receiver, shall be paid out by him in the manner required in the last preceding section.

§ 12. The monies so paid out of the treasury, and all other monies required by this act to be paid out of the treasury, shall be a charge upon the bank fund hereby created.

§ 13. Whenever the charter of any monied corporation, subject to the provisions of this act, shall expire, every such corporation shall be entitled to receive its proportional share of said bank fund, which such corporation may have contributed thereto. after deducting thereout a proportional part of the charges upon said fund, and which share the comptroller is hereby authorised to pay to said corporation.

§ 14. No creditor of any insolvent corporation shall, by virtue of this act, receive interest upon his debt against such corporation, from and after the time such order is made, as is required by the ninth section of this act; nor shall such creditor be entitled to interest anterior to the presentation of his demand against such corporation, to the receiver that shall be appointed to take charge of the property and effects of such corporation.

§ 15. Three persons, to be styled "the Bank Commissioners of the State of New-York," shall be appointed in the manner hereinafter provided; whose duty, or the duty of one of whom, it shall be, once at least in every four months, to visit every monied corporation upon which the provisions of this act shall be binding, and thoroughly to inspect the affairs of the said monied corporations; to examine all the books, papers, notes, bonds and other evidences of debt of said corporations; to compare the funds and property of said corporations, with the statements to be made by them as hereinafter provided; to ascertain the quantity of specie the said corporations have on hand; and, generally, to make such other inquiries as may be necessary to ascertain the actual condition of the said corporations, and their ability to fulfil all the engagements made by them.

§ 16. It shall be the duty of the said commissioners, or some one of them, to visit and inspect the condition and affairs of any monied corporation, more frequently than once in every four months, if required so to do, by any three of the monied corporations subject to the provisions of this act.

§ 17. The said commissioners, or either of them, shall have power to examine upon oath, all the officers, servants or agents of said corporations, or any other person, in relation to the affairs and condition of said corporations; which oath the said commissioners, or either of them, are personally authorised to administer.

§ 18. If the said commissioners shall ascertain from such inspection and examination, or in any other manner, that any of said corporations are insolvent, or shall have violated any of the provisions of their act or acts of incorporation, or of any other act binding on such corporations, the said commissioners shall immediately apply to the court of chancery, upon bill or petition, for an injunction against such corporation and its officers; and the same proceedings shall in all respects be had, and the court shall possess the like powers upon such application, as are provided by law, in respect to such applications, when made by the attorney-general, or by any creditor.

§ 19. It shall be the duty of the said commissioners, in the month of January in each year, to report to the legislature, the manner in which they have discharged the duties imposed upon them; and to accompany such report by

such abstracts from the reports made to them, and by such other statements as they may deem useful.

§ 20. The governor shall nominate, and with the consent of the senate, appoint one of the said bank commissioners; and the several monied corporations subject to the provisions of this act, shall appoint two of said commissioners, in the manner following: Each of said corporations existing in the first, second, and third senate districts shall choose one delegate, which delegates shall assemble in convention at the City Hall of the city of New-York, at such time as shall be designated by the governor; the said delegates, or a majority of them, when so assembled together, on the day so designated, at the hour of four o'clock in the afternoon, shall proceed to organize the convention, by appointing one of their number chairman, and another of their number secretary; when so organized, the said delegates shall proceed to vote for one commissioner, by ballot; each delegate shall be entitled to one vote for every five thousand dollars of the capital stock of the monied corporation he represents, paid in, which shall be ascertained by the affidavit, duly made, of the president and cashier of each corporation, to be presented by the respective delegates at the time of such meeting; and the person receiving a majority of all the votes given by said delegates, for the said office of commissioner, shall be deemed duly appointed. A certificate of every such appointment, signed by the chairman and secretary of the convention, shall be filed in the office of the secretary of state.

§ 21. The monied corporations subject to the provisions of this act, existing in the fourth, fifth, sixth, seventh and eighth senate districts, shall likewise, by delegates, at the village of Auburn, at such time as shall be designated by the governor, choose one commissioner, in the same manner as is provided in the last preceding section.

§ 22. Whenever a vacancy shall happen in the office of either of the commissioners, the same shall be filled in the manner prescribed in the two last preceding sections.

§ 23. The said commissioners shall hold their offices for two years, but shall be at any time removable by the governor for misconduct or neglect of duty.

§ 24. Before the said commissioners shall enter upon the execution of the duties of their office, they shall severally take the constitutional oath of office, before the secretary of state or some one of the circuit judges, or judges of the county courts of any county; and within ten days thereafter, shall cause such oath, certified by the officer before whom it was taken, to be filed in the office of the secretary of state.

§ 25. The said commissioners shall not disclose the names of the debtors of any monied corporation examined by them, or any information obtained in the course of such examination, unless required in a court of justice, or in the course of some proceeding authorised by this act.

§ 26. There shall be allowed to each of said commissioners the annual salary of fifteen hundred dollars, to be paid quarterly out of the bank fund.

§ 27. It shall not be lawful for any such monied corporation, to issue, or to have outstanding or in circulation, at any time, an amount of notes or bills loaned or put in circulation as money, exceeding twice its capital stock then paid in, and actually possessed; nor shall its loans and discounts at any time exceed twice and a half the amount of its capital stock so paid in and possessed.

§ 28. If any such monied corporation shall violate the last preceding section, or shall neglect to make any annual payment to the treasurer of this state, required by this act, for the space of three months, after the time when the same ought to have been made, and after being notified of such delinquency by the comptroller of this state; or shall have lost one half of its capital stock paid in; or shall have suspended the payment of its bills in specie, for ninety days; or shall refuse to allow the officers of such corporation to be examined upon oath by the said commissioners, in relation to the affairs and condition of such corporation, every such corporation may be proceeded against by the said commissioners, and dissolved by the chancellor, as an insolvent corporation, as herein before provided.

§ 29. Every officer, agent, or clerk of a monied corporation, who shall make false statements or false entries in the books of such corporation, or shall exhibit false papers, with intent to deceive said commissioners, as to the condition of such corporation, shall be deemed guilty of felony, and shall be subjected to imprisonment in the state prison for a term not less than three nor more than ten years.

§ 30. The fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of the second title of the eighteenth chapter of the First Part of the Revised Statutes, so far as they provide for the personal liability of the stockholders of any insolvent corporation shall not apply to any corporation subject to the provisions of this act; but the directors of every corporation subject to this act, shall be liable to the stockholders thereof, as provided in the said sections.

§ 31. The nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the second title of the eighteenth chapter of the First Part of the Revised Statutes, shall be and are hereby so far modified, in respect to the incorporations subject to this act, that the statements therein required shall be made to the bank commissioners, instead of the comptroller; and the powers therein conferred on the comptroller, shall not extend to any such corporation.

§ 32. No stockholder of any monied corporation, having banking powers, shall be appointed a commissioner under and by virtue of this act.

§ 33. Every monied corporation subject to this act, shall be entitled to receive the legal interest established, or which may hereafter be established by the laws of this state, on all loans by them made, or notes or bills by them severally discounted or received in the ordinary course of business; but on all notes or bills by them discounted or received in the ordinary course of business, which shall be mature in sixty-three days from the time of such discount, the said monied corporation shall not take or receive more than at and after the rate of six per centum per annum in advance.

§ 34. Every monied corporation subject to this act, hereafter to be created, shall, before it makes any loans or discounts, have all its capital actually paid in; which payment shall be proved, on oath, to the satisfaction of the bank commissioners, before any such loans or discounts shall be made; and every monied corporation whose charter shall be hereafter extended, shall, within one year after such extension takes effect, pay in all its capital to be proved, in like manner to said bank commissioners: But every such monied corporation whose charter shall be hereafter extended, shall be permitted to reduce its capital stock to any sum not below the amount actually paid in at the time of the renewal of its charter; provided such corporation, within one year from and after the time of such renewal, shall file with the comptroller, a certificate, under the seal of the corporation, setting forth the sum to which its capital stock is to be reduced as aforesaid; the filing of which certificate shall exempt such corporation from the operation of this section, as to so much of its capital stock as shall be reduced in the manner above stated.

§ 35. No monied corporation subject to the provisions of this act, shall issue any bill or note of the said corporation, unless the same shall be made payable on demand, and without interest.

Debates were had thereon; and the question being put whether the house would agree with the committee of the whole in their report as amended, it was determined in the affirmative.

AYES	76
NAYS	29

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jenkins	Mr. Scott
Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Seeley
Mr. Armstrong	Mr. Falley	Mr. Lindsley	Mr. Sill
Mr. Arnold	Mr. Fitch	Mr. Mallory	Mr. Skinner
Mr. Austin	Mr. Fowler	Mr. Mandeville	Mr. A. Smith
Mr. Bacon	Mr. W. K. Fuller	Mr. Mann	Mr. H. D. Smith
Mr. Bailey	Mr. Garbutt	Mr. Mathews	Mr. L. Smith
Mr. C. Baker	Mr. Gardner	Mr. M'Crea	Mr. Soper
Mr. E. Baker	Mr. Garnsey	Mr. J. M'Donald	Mr. Spier
Mr. Bostwick	Mr. Graham	Mr. W. M'Donald	Mr. Stanton
Mr. Boynton	Mr. Graves	Mr. Mixer	Mr. Tailor
Mr. Brinkerhoff	Mr. J. Hall	Mr. Morell	Mr. Tower
Mr. Burt	Mr. W. Hall	Mr Myers	Mr. Waugh
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Wheeler
Mr. Carrier	Mr. Hedges	Mr. Norton	Mr. Willey
Mr. Collier	Mr. Heermans	Mr. Paige	Mr. Williams
Mr. Curtiss	Mr. Hubbard	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Redfield	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Savage	Mr. Young 76

Those who voted in the negative are—

Mr. Bogert	Mr. Fillmore	Mr. Hubbell	Mr. Sheppard
Mr. Bradish	Mr Fleming	Mr. Johnson	Mr. Speaker
Mr. Cargill	Mr. Gosman	Mr. Judd	Mr. Starr
Mr. Dana	Mr. Gross	Mr. C. L. Livingston	Mr. Teller
Mr. Dickson	Mr. Hascall	Mr. M'Niel	Mr. P. Van Beuren
Mr. Dyckman	Mr. Hazeltine	Mr. Randall	Mr. Van Wyck
Mr. Edgerton	Mr. Holdridge	Mr. Sanford	Mr. White
Mr. Efner			29

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, MARCH 19, 1829.

The House met pursuant to adjournment.

Two several petitions of sundry inhabitants of the county of Oneida, praying for the incorporation of a company to construct a turnpike road from Rome to Vienna, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the town of Westmoreland, against a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of New-Utrecht in the county of Kings, praying for the passage of a law to extend the fike fishery in the waters adjacent to that county, was read, and referred to a select committee, consisting of Mr. Wyckoff, Mr. Jones and Mr. Bogert.

The petition of John Hooker, of the town of Ira in the county of Cayuga, praying for the passage of a law to authorise the surveyor-general to sell to him a certain lot of land, the property of the state, at its value as appraised by John M'Fadden, esquire, was read, and referred to the committee on public lands.

The petition of sundry inhabitants of the county of St. Lawrence, praying legislative aid to construct a road through a part of the St. Regis reservation, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Queens, praying for the passage of a law to authorise them to construct a turnpike road from the village of Hempstead to the village of Bethpage in the town of Oysterbay, was read, and referred to a select committee, consisting of the members attending this house from the counties of Queens, Kings and Suffolk.

The petition of Hiram Paige, of the town of Fayette in the county of Seneca, praying for the passage of a law to authorise him to practise the curing of cancers, was read, and referred to the committee on medical subjects.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Salina, praying for an alteration of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Salina;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Manlius in the county of Onondaga, praying for a division of that town, asked for leave to report by bill,

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Manlius in the county of Onondaga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Whitehall in the county of Washington, for an extension of the limits of that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Savage, from the committee on grievances, to which was referred the petition of Erastus Crafts, for an extension of the time for the payment of a loan made by the state to one Daniel Johnson, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Savage, according to leave, brought in the said bill, entitled "An act further to extend the time of a payment of a loan made to Daniel Johnson;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Ogdensburgh in the county of St. Lawrence, praying for a certain amendment in the act incorporating that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the petition of Charles Baker, together with the report of the canal board, reported the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Joseph Mather, praying remuneration of his costs and expenses in defending

certain suits at law, in relation to a lot of land escheated to the people of this state, together with the report of the commissioners of the land-office thereon, reported the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of William Brayton and eighteen others, praying the re-appraisal of damages occasioned by the construction of the Champlain canal, together with the report of the canal commissioners thereon, reported the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted.

Ordered, That the said report be laid upon the table.

Mr. Wheeler, from the select committee to which was referred the petition of the supervisor, town clerk, and justices of the peace of the town of Charlton in the county of Saratoga, praying the legislature to alter the time of holding town meetings in said town, reported :

That they have had the same under consideration; and are of opinion that the inclemency of the season, and bad state of the roads on the first Tuesday of March, in that district of country, are sufficient reasons to grant the prayer of the petitioners. They have directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Wheeler, according to leave, brought in the said bill, entitled "An act to alter the annual town meetings of the town of Charlton in the county of Saratoga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tailor, from the select committee to whom was referred the petition of sundry inhabitants of the counties of Westchester and Putnam, praying for an alteration in the act entitled "An act to prevent the destruction of fish in Peach pond, situate in the counties of Westchester and Putnam," reported :

That the petitioners represent that the said act, referred to above, restrains the taking any fish from said pond, in any other manner than by single hook and line. They further state, that some of them were petitioners for the passage of said act, and that it was not intended by them, or so understood at the time they signed such petition, to restrain any person or persons from taking fish from said pond by means of using as many hooks and lines for such purpose, as they should find convenient or necessary. They therefore pray that said law may be so amended as to allow any person or persons to use, in taking fish from said pond, as many hooks and lines as they shall choose. The committee are of the opinion that the prayer of the petitioners ought to be granted, and have prepared a bill for that purpose, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Tailor, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to prevent the destruction of fish in Peach pond, situate in the counties of Westchester and Putnam,' passed February 26th, 1828;" which was read first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. M'Crea, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered to a third reading.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit :

The bill entitled "An act to appoint commissioners to lay out a highway from Canadaway in the county of Chautauque, to the town of Perry in the county of Genesee;" the bill entitled "An act for the relief of the heirs of Jonas C. Baldwin deceased;" the bill entitled "An act to enable the Dutch reformed church in the towns of Rochester and Wawarsing to divide their parsonage lot, and the consistory of Wawarsing to sell their portion of said lot of land;" the bill entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial for certain purposes;" the bill entitled "An act authorising the town of Mount-Pleasant in the county of Westchester, to sell its town poor-house and farm;" the bill entitled "An act to amend the act incorporating the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same;" the bill entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town;" the bill entitled "An act to amend the act entitled 'An act for the incorporation of the village of Syracuse,' passed April 13th, 1825;" and the bill entitled "An act authorising the board of supervisors of the county of Ulster to raise by tax one thousand dollars, on the inhabitants of the town of Shawangunk in said county."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to appoint commissioners to lay out a highway from Canadaway in the county of Chautauque, to the town of Perry in the county of Genesee," be referred to a select committee, consisting of Mr. Hazeltine, Mr. Skinner and Mr. Mixer; that the bill entitled "An act for the relief of the heirs of Jonas C. Baldwin deceased," be referred to a select committee, consisting of Mr. Smith, Mr. Falley and Mr. White; that the bill entitled "An act to enable the Dutch reformed church in the towns of Rochester and Wawarsing to divide their parsonage lot, and the consistory of Wawarsing to sell their portion of said lot of land," be referred to a select committee, consisting of Mr. Soper, Mr. Fowler and Mr. Al Burtis; that the bill entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial for certain purposes," be referred to a select committee, consisting of Mr. Jones, Mr. Arnold and Mr. Burt; that the bill entitled "An act authorising the town of Mount-Pleasant in the county of Westchester, to sell its town poor-house and farm," be referred to a select committee, consisting of Mr. A. Smith, Mr. Davenport and Mr. Tailor; that the bill entitled "An act to amend the act to incorporate the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same," be referred to a select committee, consisting of Mr. Starr, Mr. Austin and Mr. Seeley; that the bill entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town," be referred to a select committee, consisting of Mr. Armstrong, Mr. Boynton and Mr. Hubbell; that the bill entitled "An act to amend the act entitled 'An act for the incorporation of the village of Syracuse,' passed April 13th, 1825," be referred to a select committee, consisting of the members attending this house from the county of Onondaga; and that the bill entitled "An act authorising the board of supervisors of the county of Ulster to raise by tax one thousand dollars, on the inhabitants of the town of Shawangunk in said county," be referred to a select committee, consisting of Mr. Soper, Mr. Fowler and Mr. Waugh; to be by the said select committees severally reported complete.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the construction of the Chenango canal," with the amendments therewith delivered.

The said bill and amendments were read.

Ordered, That the same be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act to incorporate the Sodus canal company," and have amended the said bill accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

Ordered, That Mr. Keith have leave of absence for eight days, and Mr. Garnsey for six days.

Mr. Sceley gave notice, that he would ask leave to introduce a bill to alter the time of holding town-meetings in the town of Athens in the county of Greene.

Mr. Baragar gave notice that he would, at some future day, ask leave to introduce a bill, to authorise John R. Drake to erect a dam on the Susquehannah river, from the head of Squaw Island to the south bank of said river.

Mr. Baragar gave notice that he would, at some future day, ask leave to introduce a bill, authorising the appointment of a commissioner to reside in the eastern jury district of the county of Tioga, to perform certain duties of a justice of the supreme court.

Mr. Randall gave notice that he would, at some future day, ask leave to introduce a bill, to alter the law in relation to the courts of general sessions of the peace in and for the county of Montgomery.

On motion of Mr. Dyckman,

Resolved, That the comptroller be directed to furnish this house with a statement of the several items for which the money received by the health commissioners in the city of New-York, (for the use of the Marine hospital in that city,) has been expended, so far as the vouchers rendered to his office will enable him to set forth the same, for the year ending the 31st December 1828.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising the canal board to settle with Joseph E. Smith & Co. upon equitable terms;" and that the same be referred to a select committee, consisting of Mr. Falley, Mr. Dygert and Mr. Mixer, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to divide the town of Junius in the county of Seneca, into four towns;" and that the same be referred to a select committee, consisting of Mr. Bostwick, Mr. Scott and Mr. Boynton, to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes;" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," was read the third time.

Debates were had thereon;

The question being put whether the house would agree to the final passage of the said bill, it was determined in the affirmative.

AYES	76
NAYS	28

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Jenkins	Mr. Scott
Mr. Allison	Mr. Dean	Mr. Jones	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Lindsley	Mr. Skinner
Mr. Arnold	Mr. Falley	Mr. Mallory	Mr. A. Smith
Mr. Austin	Mr. Fitch	Mr. Mandeville	Mr. H. D. Smith
Mr. Bacon	Mr. Fowler	Mr. Mann	Mr. L. Smith

Mr. C. Baker	Mr. W. K. Fuller	Mr. Mathews	Mr. Soper	
Mr. E. Baker	Mr. Garbutt	Mr. M'Crea	Mr. Spier	
Mr. Baragar	Mr. Gardiner	Mr. J. M'Donald	Mr. Stanton	
Mr. Bostwick	Mr. Graham	Mr. W. M'Donald	Mr. Tailor	
Mr. Boynton	Mr. Graves	Mr. Mixer	Mr. Tower	
Mr. Brinkerhoff	Mr. J. Hall	Mr. Morell	Mr. Vanderbilt	
Mr. Burt	Mr. W. Hall	Mr. Myers	Mr. Waugh	
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Wheeler	
Mr. Carrier	Mr. Hedges	Mr. Norton	Mr. Willey	
Mr. Case	Mr. Heermans	Mr. Paige	Mr. Williams	
Mr. Collier	Mr. Hubbard	Mr. Phoenix	Mr. Williamson	
Mr. Curtis	Mr. Hynds	Mr. Redfield	Mr. Wyckoff	
Mr. Davenport	Mr. Ives	Mr. Savage	Mr. Young	76

Those who voted in the negative are—

Mr. Bogert	Mr. Fillmore	Mr. Holdridge	Mr. Sanford	
Mr. Bradish	Mr. Fleming	Mr. Hubbell	Mr. Sheppard	
Mr. Cargill	Mr. Franklin	Mr. Johnson	Mr. Speaker	
Mr. Chandler	Mr. Gosman	Mr. Judd	Mr. Starr	
Mr. Dickson	Mr. Gross	Mr. C. L. Livingston	Mr. P. Van Beuren	
Mr. Dyckman	Mr. Hascall	Mr. M'Niel	Mr. Van Wyck	
Mr. Edgerton	Mr. Hazeltine	Mr. Randall	Mr. White	28

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley;" the engrossed bill entitled "An act authorising Martin B. Young to erect a dam across the Canisteo river;" the engrossed bill entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district, passed November 11th, 1828;" the engrossed bill entitled "An act relative to the clerk's office of the county of Broome;" and the engrossed bill entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard junior;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising Martin B. Young to erect a dam across the Canisteo river," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to amend an act authorising the trustees of school district number eight in the town of York, to sell the old school lot belonging to the said district, passed November 11th, 1828," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to the clerk's office of the county of Broome," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard junior," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to enable the trustees of the Reformed Dutch church of the town of Bushwick in the county of Kings, to sell

a lot of land lying in the village of Williamsburgh:" and the engrossed bill entitled "An act to incorporate the Ithaca and Havana turnpike road company;" and that the same are correctly engrossed.

Ordered, That the said bills be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

FRIDAY, MARCH 20, 1829.

The House met pursuant to adjournment.

Four several petitions of sundry inhabitants of the county of Otsego, praying for the renewal of the charter of the Central Bank, were read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Josiah E. Vrooman, praying compensation for revolutionary services, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the county of Schoharie, praying for an amendment of the law regulating highways, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Ellington in the county of Chautauque, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of St. Lawrence, praying legislative aid, to repair the turnpike road from Wilna in the county of Jefferson, to Parishville in the county of St. Lawrence, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the county of Tioga, against any alteration of the charter of the Ithaca and Owego turnpike company, was read, and committed to a committee of the whole, when on the bill upon that subject.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which were referred the petitions of sundry inhabitants of the towns of Rome and Vienna in the county of Oneida, praying for the incorporation of a company for the purpose of constructing a certain turnpike road as set forth in their petitions, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Rome and Vienna turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Onondaga, for the appointment of commissioners to lay out a road across the Onondaga Indian reservation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of Samuel Crippin and Henry N. Wilkins, praying for the

renewal of the grant made to John Low, for building a dam across the Susquehannah river in the town of Milford, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Eldridge, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising the investment of a part of the school fund in stock to be created for the construction of the Cayuga and Seneca canal," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the writ of certiorari in criminal cases," reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

By the unanimous consent of the house,

The said bill was ordered to a third reading.

Mr. A. Smith, from the select committee to which was referred the bill entitled "An act authorising the town of Mount-Pleasant in the county of Westchester, to sell its town poor-house and farm," reported, that the committee had gone through the said bill, made sundry amendments thereto, and altered the title so as to read "An act authorising the supervisor and overseers of the poor of the town of Mount-Pleasant in the county of Westchester, to sell the poor-house and farm belonging to said town;" which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Burt, from the select committee to whom was referred the engrossed bill from the Senate, entitled "An act amending an act to appoint commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb, in the county of Essex," passed April 21st, 1828, reported:

The amendments proposed, appear to have been suggested by the comptroller, upon the following considerations:

1. That by the 7th section of the act proposed to be amended, a large expense must be incurred, probably exceeding $2,000, for the publication as required.

2. That if the sale for road taxes be made at six months from the time of depositing a map and tax-roll in the comptroller's office, as directed, some lands may be sold, now chargeable with arrears of county taxes; and it may be questionable whether such first sale may not operate to discharge the other; or if reserved in the sale, by making the sale for road taxes subject to a lien for state taxes, might operate oppressively.

3. That by annexing the said road taxes to the state or county tax, to sell lands chargeable with them at the then next sale for arrears of county taxes, very little additional expense will be incurred; and that course will save much labor in the comptroller's department.

4. As the commissioners appointed by the act proposed to be amended, have in good faith executed the duties assigned to them, in laying out and contracting to open and work said road, stipulating to pay therefor according to their construction of that act, may not realize the amount of the taxes assessed, to meet their engagements. It is provided that if the comptroller's department be ready to give the legal necessary notices of sale, seasonably to realize the said tax before the 1st February next, to authorise the comptroller to draw on the treasury in their favor, for a sum not exceeding $2,000, in anticipation, to

be refunded from the proceeds of sales for such taxes, which that department believes safe and beyond contingency.

The committee recommend an informal amendment in the first section of the bill, and with that amendment they recommend the passage of the same.

Ordered, That the said bill and report be committed to a committee of the whole house.

Mr. Armstrong, from the select committee to which was committed the bill entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Soper, from the select committee to which was committed the bill entitled "An act confirming the division of a lot of land owned by the Dutch reformed churches in the towns of Rochester and Wawarsing, and to enable the consistory of Wawarsing to sell their portion of said lot of land," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Jones, from the select committee to which was committed the bill entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial for certain purposes," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. J. Hall, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act for the incorporation of the village of Syracuse,' passed April 13th, 1825," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Starr, from the select committee to which was committed the bill entitled "An act to amend the act incorporating the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Soper, from the select committee to which was committed the bill entitled "An act authorising the board of supervisors of the county of Ulster to raise by tax one thousand dollars, on the inhabitants of the town of Shawangunk in said county," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act authorising the supervisors of the county of Ulster to raise money by tax on the town of Shawangunk, to build a bridge in said town," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report and resolution reported by the committee on claims, on the petition of Darius Eggleston; the same were again read, in the words following, to wit:

The committee on claims, to whom was referred the report of the canal board on the petition of Darius Eggleston, praying for the passage of a law authorising the canal board to resettle his claims for extra allowances on a canal contract made in 1817, together with the report of the canal board on said petition, have directed their chairman to report for the consideration of the house, the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Thereupon,

Mr. Eldridge made a motion that the house should agree to amend the said resolution, by striking out the whole of the same after the word "ought," and inserting in lieu thereof the words following, to wit, "to be granted, and that leave be given to bring in a bill."

Debates were had upon the said motion of Mr. Eldridge; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	80
AYES	12

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dayton	Mr. Ives	Mr. Skinner
Mr. Allison	Mr. Dean	Mr. Johnson	Mr. A. Smith
Mr. Armstrong	Mr. Dickson	Mr. Jones	Mr. H. D. Smith
Mr. Arnold	Mr. Dyckman	Mr. Judd	Mr. L. Smith
Mr. Bailey	Mr. Dygert	Mr. C. L. Livingston	Mr. Soper
Mr. C. Baker	Mr. Edgerton	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Falley	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Fillmore	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Graham	Mr. Mixer	Mr. Teller
Mr. Brinkerhoff	Mr. Gross	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. W. Hall	Mr Myers	Mr. Vanderbilt
Mr. Cargill	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Carley	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Hazeltine	Mr. Randall	Mr. Wheeler
Mr. Case	Mr. Hedges	Mr. Redfield	Mr. White
Mr. Collier	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Curtiss	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dana	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr. Davenport	Mr. Hynds	Mr. Sheppard	Mr. Young 80

Those who voted in the affirmative are—

Mr. Bacon	Mr. Fitch	Mr. Heermans	Mr. Sill
Mr. Boynton	Mr. W. K. Fuller	Mr. Lindsley	Mr. Tower
Mr. Eldridge	Mr. Gosman	Mr. Savage	Mr. Williams 12

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The house then proceeded to the consideration of the resolution of the Senate of the 13th March instant; the same was again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the Legislature will adjourn on the first Monday of April next.

Thereupon,

Resolved, That this house do not concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorise the issuing of executions by the justices' court of the city of Schenectady, and for other purposes;" and that the same be referred to a select committee, consisting of Mr. Paige, Mr. Skinner and Mr. Savage, to consider and report thereon.

In pursuance of previous notice, Mr. Paige asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act for the relief of the heirs of John Wilkinson,' passed February 5th, 1829;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Starr,

Resolved, That this House have heard with regret, of the decease of the venerable JOHN TAYLER, late Lieutenant-Governor of this State; and that in consideration of the distinguished services of the deceased, commencing with the revolution, and terminating only with his valuable life, will attend his funeral obsequies on Monday next.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21st, 1828," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of the devisees of Francis Atkinson;" the bill entitled "An act authorising John Smith, William Smith and Abram Smith, to erect a dam across the Tioughnioga river;" the bill entitled "An act authorising an additional amount of money to be raised by tax for roads and bridges in the town of Florida;" and the bill entitled "An act amending an act for the relief of the inhabitants of Lake-Pleasant, passed March 23d, 1821;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of the devisees of Francis Atkinson," was referred to a select committee, consisting of Mr. Paige, Mr. Stanton and Mr. Hammond; the bill entitled "An act authorising John Smith, William Smith and Abram Smith, to erect a dam across the Tioughnioga river," was referred to a select committee, consisting of Mr. Curtiss, Mr. Carley and Mr. Chandler; the bill entitled "An act authorising an additional amount of money to be raised by tax for roads and bridges in the town of Florida," was referred to a select committee, consisting of Mr. Randall, Mr. Young and Mr. Spier; and the bill entitled "An act amending an act for the relief of the inhabitants of Lake-Pleasant, passed March 23d, 1821," was referred to a select committee, consisting of Mr. Spier, Mr. Randall and Mr. Young, severally to consider and report thereon.

The annual report of the commissioners of the canal fund, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
ALBANY, 20th March, 1829.

SIR—

I have the honor to transmit to you, herewith, the annual report of the commissioners of the canal fund.

I am, with great respect,
Your obedient servant,
SILAS WRIGHT, JUN.

The HON. PETER ROBINSON,
Speaker of the Assembly.

TO THE LEGISLATURE OF THE STATE OF NEW-YORK:

The commissioners of the canal fund, pursuant to chapter 9, title 2, of the first part of the revised statutes, respectfully submit the following Report:

CANAL FUNDS.

The canal funds are as follows:

Erie and Champlain Canal Fund.

The canals,		$
Bonds for sales of lands on Grand-Island,		10,092
Bond of the corporation of the city of Albany, for a loan, bearing 6 per cent. interest,		150,000
Stock of the Hudson and Delaware canal company, bearing 5 per cent. interest,		200,000
Stock of the Neversink navigation company, bearing 5 per cent. interest,		10,000
Lands on Grand-Island, sold by the surveyor-general, but no bonds given therefor, and now reverted to the state,	*Acres.* 8,175	
Lands given by the Holland Land Company,	100,000	
" John Hornby,	3,000	
" Gideon Granger,	1,000	

Oswego Canal Fund.

The canal,		$
Bonds for sales of lands in the Onondaga salt springs reservation,		26,880
Lands unsold in do.	1,010 acres.	

Cayuga & Seneca Canal Fund.

The canal,	$

REVENUE AND EXPENDITURES IN 1828.

Erie and Champlain Canal Fund.

Balance of the revenue of this fund in the hands of the commissioners, on the 1st Jan. 1828,	$340,965	76
Received by the commissioners during the year, (see statement A.)	1,145,771	23
	$1,486,736	99
Disbursements during the year, (see statement A.)	1,143,601	73
Balance of this fund in hand, 31 Dec. 1828,	$343,135	26

Oswego Canal Fund.

Received by the commissioners during the year, (see statement B.)	$304,296	83
Disbursements during the year, (see statement B.)	291,142	60
Balance of this fund in hand 31 Dec. 1828,	$13,154	23

Cayuga & Seneca Canal Fund.

Balance in the hands of the commissioners on the 1st Jan. 1828,	$18,605	77
Received by the commissioners during the year, (see statement C.)	88,294	64
	$106,900	41
Disbursements during the year, (see statement C.)	106,900	41

SUMMARY.

Balance in hand, as above, belonging to the Erie and Champlain canal fund,	$343,135 26
" Oswego canal fund,	13,154 23
" Cayuga and Seneca canal fund,	0,000 00
Total amount of monies in hand 1st Jan. 1829,	$356,289 49

ESTIMATE OF REVENUE AND EXPENDITURE FOR THE YEAR 1829.

Erie and Champlain Canal Fund.

Balance of revenue in hand 1st Jan. 1829, per statement above,		$343,135 26
Canal tolls,		850,000 00
Vendue duty,		200,000 00
Salt duty,		130,000 00
Interest on Delaware and Hudson canal stock,		10,000 00
" Neversink navigation co. do		500 00
" loan to the city of Albany,		9,000 00
" the deposit of the fund,		7,000 00
Amount due from the Cayuga and Seneca canal fund,		63,957 86
		$1,613,593 12

The payments on account of this fund during the year, will be, for

Interest on loans,	$397,592 80	
Estimated expense of repairs, improvements, superintendence and collection of tolls,	250,000 00	
Damages,	20,000 00	
Incidental expenses of the commissioners of the canal fund,	500 00	
		668,092 80
Balance of the revenue over the estimated charges upon it for the current year,		$945,500 32

Oswego Canal Fund.

Balance of revenue in hand 1st Jan. 1828, per statement above,	$13,154 23
Amount commissioners are authorised to raise by loan,	15,000 00
Canal tolls,	20,000 00
	$48,154 23

The payments on account of this fund during the year, will be, for

Interest on loans,	$21,850	
Amount required to complete the canal, and for repairs and collection of tolls,	20,000	
Extra allowances on canal contracts,	20,000	
		61,850 00
Deficiency of the revenue for the current year to meet the estimated charges upon it,		$13,695 77

CAYUGA & SENECA CANAL FUND.

Canal tolls,.....		$25,000 00
Amount the commissioners are authorised to raise by loan, ...		55,000 00
		$80,000 00

The payments on account of this fund during the year, will be, for

Interest on loans,.....	$10,000 00	
Cost of repairs, superintendence and collection of tolls,	8,000 00	
Extra allowances by canal board,.....	10,000 00	
Amount due the Erie and Champlain canal fund, ...	63,957 86	
		91,957 86
Deficiency of the revenue to meet the estimated charges upon it for the current year,.....		$11.957 86

REMARKS.

During the last year, the commissioners have loaned to the corporation of the city of Albany the sum of $150,000, and invested the sum of $118,475 in stocks. With the latter sum, they have purchased $100,000 of the stock issued by the state to the Delaware and Hudson canal company, and $10,000 of the stock issued to the Neversink navigation company.

By the foregoing estimates, it will appear that a further appropriation of $13,695.77, will be necessary for the Oswego canal during the current year; unless the legislature shall, in another manner, provide for this deficit in the funds and revenues of that canal. But the commissioners learn, at the comptroller's office, that lands belonging to the Oswego canal fund, to the amount of $27,650.67, have been sold, and that bonds for the purchase money are in that office. These sales have taken place since the transfer from the Erie and Champlain to the Oswego canal fund, authorised by the act, chapter 275, section 1st, of the laws of the last session. The comptroller is desirous to make the same transfer of the Oswego canal fund bonds, now in his office, which, by the act referred to, was authorised to be made of the former bonds belonging to the same fund; and the commissioners of the canal fund see no objection to the passage of a law for that purpose, similar to the one of the last session. The effect of this transfer will be simply as follows:

The literature fund now holds a certain amount of Erie and Champlain canal stock, bearing an interest of five per cent; but which, by the law pledging that stock to that fund, is to be exchanged for bonds for lands belonging to the Erie and Champlain canal fund, whenever such bonds shall come into the comptroller's office. These bonds, to a sufficient, or indeed to any considerable amount, do not as yet come in, as the lands belonging to that fund do not sell rapidly. In the mean time, the lands belonging to the Oswego canal fund have sold much more advantageously. These bonds bear an interest of six per cent; and therefore the literature fund will be benefitted by the exchange of the canal stock for the bonds. The Oswego canal fund is, as yet, inadequate to answer the calls made upon it; and therefore the sale of these bonds, or an additional loan, is necessary for the current year; and that the sale of these bonds will be preferable to an increase of the debt chargeable upon this fund, would seem to be clearly true. If, then, the Oswego canal fund will be benefitted by this transfer, the only remaining consideration is, its effect upon the Erie and Champlain canal fund. This fund has surplus monies on hand, which it is desirable safely to invest, because its outstanding stock (and which these surplus monies are destined to pay) cannot be purchased in at a reasonable rate, and because that stock is not yet redeemable. But of that stock, a small share is held by the literature fund, which can be obtained, dollar for dollar, in exchange for the bonds belonging to the Oswego canal fund. These bonds can be purchased of the Oswego canal fund for the amount due upon them, without premium; and

the Erie and Champlain canal fund has the money, not invested, with which to make the purchase. The effect of the whole operation, therefore, will be, tha the Erie and Champlain canal fund will have cancelled $27,650.67 of its stock, not redeemable until 1815, and without the payment of any premium upon such stock; and will have saved the risk of investing so much of its surplus until its stock becomes redeemable.

The estimate of payments on account of the Cayuga and Seneca canal fund, to be made during the current year, is made upon the supposition that the loans, amounting to $55,000, heretofore authorised to be made for account of this fund, but not yet taken, will be made so that interest will be payable upon this amount for the last three quarters of the present year. This will make the estimated payments from this fund exceed the estimated income for the current year, by the sum of $11,957.86. Against this deficiency, the legislature alone have the power to provide, in such manner as to their wisdom shall seem best.

It will be expected by the legislature, that the commissioners should explain the circumstances under which they have felt themselves authorised to make a temporary use of a part of the general canal fund, for the completion of the Cayuga and Seneca canal. They were authorised by the law of 1827, to make a loan of $45,000 for this canal; and by the act, chapter 119 of 1828, to make another of $10,000, for the construction of a lateral canal from the Cayuga and Seneca canal to the village of East-Cayuga, with a lock connecting the same with the Cayuga lake. The monies on hand belonging to this fund, were not all expended in 1827. The work was commenced in 1828, with an unexpended balance of $18,605.77, and an amount due from the Oswego canal fund, of $24,336.78. It was supposed that this balance, the amount due from the Oswego canal fund, and the above mentioned appropriations, would be abundantly sufficient to finish the works; but the expenditure for these works, exclusive of the interest upon this canal debt, instead of being $75,000, as was estimated last year, has been more than $98,000. More has therefore been taken from the general canal fund, than the commissioners are able to reimburse by the loans which they were authorised to make. The commissioners delayed to make these loans, upon considerations of economy. If they had been made, the terms would have been such that the interest on the stock would not have been much less than five per cent. The commissioners had a large sum belonging to the general canal fund, uninvested, for which they are receiving an interest of only three and an half per cent. As soon as the loan should have been negotiated, the commissioners would have lost the difference between five, or nearly five per cent, and three and an half per cent, unless they had taken up the loans themselves. If they had taken them, the operation would have been the mere ceremony of issuing the stock, which it was thought might be done as well at one time as another.

In relation to exceeding the appropriation, the commissioners would observe, that they were not aware that more funds would be wanted than were appropriated, till the canal was nearly completed; and they did not think that the work was to be arrested, left for another year in an unfinished state, subject to suffer much injury, the country in the vicinity of the canal deprived of its use for another season, and the state lose the profits of its investment, for the want of a few thousand dollars more than the appropriation.

In these considerations, the commissioners hope there will be found a sufficient apology for their not withholding the necessary funds for the completion of this work. What has been taken from the general canal fund, and what is now required to pay damages, &c. will amount to about the sum that is now in the treasury, unemployed and unproductive, belonging to the capital of the common school fund.

It is respectfully suggested, that the loans authorised by the acts of 1827 and 1828, should be dispensed with; and that the commissioners should issue stock bearing an interest of five per cent, to the comptroller, in trust for the common

school fund; and thereupon he should pay to them the amount thereof, from the capital of this fund now in the treasury.

S. WRIGHT, JUN.
A. C. FLAGG,
SIMEON DE WITT,
A. KEYSER,
Commissioners of the Canal Fund.

Albany, March 19, 1829.

Statement A. shows the amount of money received during the last year, on account of the Erie and Champlain canal fund, and the sources from which it has been derived; and the amount of expenditures, with a general specification of the objects for which those expenditures were made.

Statement B. shows the like in relation to the Oswego canal fund.

Statement C. shows the like in relation to the Cayuga and Seneca canal fund.

Statement D. exhibits the present amount of the debts of the several canal funds, the description of the stock, and the periods after which they are redeemable at the pleasure of the state.

Statement E. presents an accurate view of the amount of tolls collected during the last year on all the canals, and the amounts received by the several collectors in each month, while the canals were navigable.

STATEMENT of Receipts and Expenditures by the Commissioners of the Canal Fund, from the 1st of January to the 31st of December, 1828.

(A.)

ERIE AND CHAMPLAIN CANAL FUND.

1828, Jan. 1. Balance in the hands of the commissioners, per last report,		$340,965 76
Received at the treasury in 1828:		
Tolls,	$800,434 95	
Vendue duty,	221,686 40	
Salt duty,	118,423 89	
Rents of surplus waters,	1,467 00	
	$1,142,012 24	
Deduct the following payments at the treasury, out of the above viz:		
To appraisers of damages,	$2,043 00	
Elisha C. Hickox, additional allowance on lime furnished by him for the Erie canal,	4,505 23	
Ara Broadwell for damages, costs, &c. recovered against him by Edward Ellis, for stone used for aqueduct at Little Falls,	1,101 79	

Carried forward,

Brought forward,			
To Joseph D. Selden for damages sustained by him from the construction of the Champlain canal,...	6,376 00		
Henry Lieber for damages to his canal boat by the breaking of the weigh-lock at Rochester,..	172 29		
		14,198 31	
Amount received from the treasury by the commissioners,.....			1,127,813 93
Other receipts by the commissioners:			
Interest on the deposite of the fund,.....		7,281 20	
" on the stock of the Delaware and Hudson Co. belonging to this fund,.....		10,347 20	
" on the stock of the Neversink navigation co. belonging to this fund,.....		328 90	
			17,957 30
Total amount received by the commissioners in 1828, ...			$1,486,736 99
Paid by the commissioners in 1828, viz:			
To Henry Seymour, canal commissioner, ...		29,477 97	
William C. Bouck, do		59,778 75	
Samuel Young, do		3,054 20	
Superintendents of repairs,.....		215,809 25	
Myron Holley for proceeds of the sale of a part of the property conveyed by him to the state,.....		285 00	
For interest on loans, ...		397,592 80	
reimbursement of do.....		21,000 00	
balances of collectors' accounts for 1827,...		3,794 83	
printing for collectors of tolls, and notices of loans,.....		1,331 70	
incidental expenses of commissioners,.....		271 00	
refunding tolls, ...		388 80	
salaries of weigh-masters and assistants,....		4,052 87	
extra allowances on contracts by canal board,		8,320 51	
purchase of $100,000 of the stock of the Delware and Hudson canal company,.....		108,375 00	
purchase of $10,000 of the Neversink navigation company,.....		10,100 00	
loan to the city of Albany.....		150,000 00	
costs in suits instituted for the recovery of penalties for the violation of canal laws, ...		222 60	
By transfer to the Oswego canal fund, per act, ch. 275, of 1828, ...		65,788 59	
Amount expended on the Cayuga and Seneca canal, belonging to this fund,.....		63,957 86	
			1,143,601 73
Balance of this fund in the hands of the commissioners, 31st Dec. 1828,.....			$343,135 26

(B.)

OSWEGO CANAL FUND.

1828, Jan. 1. Balance in the hands of the commissioners, per last report,		$ 0 00
Received by the commissioners in 1828, viz:		
From the treasury for sales of lands,	$13,960 00	
" for tolls,	2,057 82	
For loan,	212,805 00	
For advance from the general fund of the state,	9,685 42	
Amount transferred from the Erie and Champlain canal fund, per act, chap. 275, of 1828,	65,788 59	
		304,296 83
Paid by the commissioners in 1828, viz:		
To Henry Seymour, canal commissioner,	83,774 46	
Orris Hart, canal superintendent,	8,418 00	
Matthew W. Davis, collector at Salina,	500 00	
For interest on loans,	18,917 35	
Amount advanced from the general fund,	155,196 01	
Amount appropriated to and expended on this canal last year, of the unemployed funds belonging to the Cayuga and Seneca canal fund,	24,336 78	
		291,142 60
Balance of this fund in the hands of the comm'rs, 31st Dec. 1828,		$13,154 23

(C.)

CAYUGA & SENECA CANAL FUND.

1828, Jan. 1. Balance in the hands of the commissioners, per last report,		$18,605 77
Received by the commissioners in 1828, viz:		
From the Oswego canal fund, the amount belonging to this fund expended last year on the Oswego canal,	24,336 78	
From the Erie and Champlain canal fund, and expended on this canal,	63,957 86	
		88,294 64
		$106,900 41
Paid by the commissioners in 1828, viz:		
To William C. Bouck, canal commissioner,	90,918 54	
For interest on loan,	7,500 00	
For extra allowances on canal contracts, by canal board,	8,481 87	
		106,900 41

(D.)

CANAL DEBT.

ERIE AND CHAMPLAIN CANALS.

Amount of stock bearing an interest of 5 per cent.			$4,409,655 99
do do 6 per cent.			2,943,500 00
			$7,353,155 99
Redeemable as follows, viz:			
5 per cent. 1st July, 1837, ...		1,400,000 00	
6 do do do		2,093,500 00	
		3,493,500 00	
5 do do 1845, ...		3,009,655 99	
6 do do 1846, ...		850,000 00	
			7,353,155 99

OSWEGO CANAL.

5 per cent. redeemable 1st July, 1846, ...	$437,000 00

CAYUGA & SENECA CANAL.

5 per cent. redeemable 1st July, 1846, ...	$150,000 00

[*For pages* 776 *to* 780 *inclusive, see* Table, (Sig. V.)]

Of and Cayuga and Seneca

[Sig. V.]

PLA	BER.	DECEMBER.	TOTAL.
Alba	2 94	451 68	164,200 74
Wes	8 97	457 63	86,553 91
Sche	4 19	1,026 84	30,506 07
Littl	5 89	323 61	9,490 60
Utic	3 27	1,273 60	48,902 92
Rom	2 16	356 86	24,886 70
Syra	6 33	613 34	56,411 58
Port	6 29	229 23	82,209 95
Lyo	6 72	126 17	27,123 30
Palm	0 21	514 19	53,779 23
Roc	2 29	900 12	95,963 28
Broc	3 19	76 13	8,537 09
Albi	3 10	51 49	11,709 17
Loc	0 32	160 53	13,530 07
Blac	7 01	74 83	1,488 53
Buff	1 31	214 54	32,138 78
	4 19	6,839 75	747,431 92
		.....$13,799 67	
		..... 5,982 05	
			19,781 72
		l on the Erie Canal,.....	$727,650 20
Wat	5 48	520 08	14,210 62
Sloo	0 07	58 72	789 86
Fort	2 01	308 18	13,313 48
Whi	7 63	614 38	59,661 40
	5 19	1,501 36	87,975 36
		,.....	19,781 72
		e Champlain Canal,.....	107,757 08
Salin	95	115 21	2,071 95
Osw	24	83 14	685 72
	2 19	198 35	2,757 67
		the Oswego Canal,.....	2,757 67
Cay	91	91 79	279 70
		and Seneca Canal,.....	279 70
		Canals in the year 1828,....	$838,444 65

(E.)

STATEMENT

Of the amount of Tolls collected on the Erie, Champlain, Oswego, and Cayuga and Seneca Canals, in the year 1828.

ERIE CANAL.

PLACE OF COLLECTION.	COLLECTOR'S NAMES.	APRIL.	MAY.	JUNE.	JULY.	AUGUST.	SEPTEMBER.	OCTOBER.	NOVEMBER.	DECEMBER.	TOTAL.
Albany,	John B. Staats,	27,327 94	28,409 16	16,881 61	11,350 22	12,219 65	14,304 41	32,333 13	20,922 94	451 68	164,200 74
West Troy,	Jabez Burrows,	11,173 21	15,465 02	8,377 09	5,844 69	6,278 25	9,376 71	18,172 34	11,408 97	457 63	86,553 91
Schenectady,	James Myers,	4,892 74	3,780 56	3,465 10	2,701 84	2,050 47	2,715 12	3,919 21	5,954 19	1,026 84	30,506 07
Little Falls,	Sanders Lansing,	1,621 67	1,079 86	812 08	709 59	619 30	650 59	1,118 01	2,555 89	323 61	9,490 60
Utica,	Stalham Williams,	7,977 35	6,275 20	5,629 30	4,450 59	3,890 34	4,531 90	6,001 37	8,873 27	1,273 60	48,902 92
Rome,	Bela B. Hyde,	5,189 87	4,379 16	2,697 66	1,926 93	1,283 05	1,811 34	3,449 67	3,792 16	356 86	24,886 70
Syracuse,	David S. Colvin,	9,541 99	8,112 14	6,789 77	6,284 62	4,923 77	4,899 08	7,660 54	7,586 33	613 34	56,411 58
Port Byron,	Daniel Wardwell,	15,130 22	17,487 36	13,218 35	7,430 96	7,393 88	5,184 13	8,879 53	7,256 29	229 23	82,209 95
Lyons,	John Adams,	4,412 18	4,551 04	3,955 39	2,533 22	2,333 72	3,059 46	3,105 40	3,046 72	126 17	27,123 30
Palmyra,	Philip Grandin,	5,833 93	10,512 05	7,989 29	5,091 17	4,639 75	3,804 80	6,323 84	9,070 21	514 19	53,779 23
Rochester,	John Bowman,	13,488 65	17,190 73	13,442 77	8,920 51	7,651 95	7,621 12	13,235 14	13,512 29	900 12	95,963 28
Brockport,	Priam B. Hill,	831 27	1,649 11	1,264 15	1,032 29	535 52	790 49	1,184 94	1,173 19	76 13	8,537 09
Albion,	Roswell S. Burrows,	1,555 83	2,243 61	2,300 85	1,302 46	1,583 97	896 56	1,021 30	753 10	51 49	11,709 17
Lockport,	Alanson W. Douglass,	970 10	2,330 55	2,509 37	1,987 40	2,251 62	1,349 74	1,330 44	640 32	160 53	13,530 07
Black Rock,	Donald Frazer,	115 58	188 62	233 41	292 18	145 85	178 41	122 64	137 01	74 83	1,488 53
Buffalo,	Zenas W. Barker,	4,790 23	4,939 52	3,718 21	2,993 82	3,915 75	4,137 46	4,747 94	2,681 31	214 54	32,138 78
		114,852 76	128,593 79	93,284 40	64,852 49	61,716 84	65,311 32	112,605 44	99,364 19	6,839 75	747,431 92

Deduct amount collected at West Troy, belonging to the Champlain Canal, ... $13,799 67
do do Albany, do do do 5,982 05
19,781 72

Amount collected on the Erie Canal, ... $727,650 20

CHAMPLAIN CANAL.

Waterford,	Franklin Livingston,	1,392 42	2,343 04	1,945 87	1,656 91	1,222 60	1,122 97	2,481 25	1,565 48	520 08	14,210 62
Sloop Lock,	do	136 33	86 42	80 62	109 05	59 90	54 22	104 53	100 07	58 72	789 86
Fort Edward,	Felix Alden,	1,171 00	1,388 71	1,993 16	2,107 87	2,249 70	1,205 49	1,697 36	1,192 01	308 18	13,313 48
Whitehall,	Wm. B. Van Benthusen,	7,085 07	10,125 29	9,943 37	8,549 08	6,970 61	4,150 72	7,295 25	4,927 63	614 38	59,661 40
		9,784 82	13,903 46	13,963 02	12,422 91	10,502 81	6,533 40	11,578 39	7,785 19	1,501 36	87,975 36

Add amount collected at Albany and West Troy, ... 19,781 72

Amount collected on the Champlain Canal, ... 107,757 08

OSWEGO CANAL.

Salina,	Matthew W. Davis,	.....	.....	241 07	236 86	291 08	250 03	448 75	488 95	115 21	2,071 95
Oswego,	Peter D. Hugenin,	.....	.....	122 75	149 43	66 34	18 76	72 06	173 24	83 14	685 72
				363 82	386 29	357 42	268 79	520 81	662 19	198 35	2,757 67

Amount collected on the Oswego Canal, ... 2,757 67

CAYUGA AND SENECA CANAL.

Cayuga N. Bridge,	Roswell C. Payne,	.....	.....	.....	.....	.....	.....	.....	187 91	91 79	279 70

Amount collected on the Cayuga and Seneca Canal, ... 279 70

Total amount collected on the Canals in the year 1828, ... $838,444 65

Ordered, That double the usual number of copies of the said report be printed for the use of the legislature.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to divide the towns of Portland and Ripley in the county of Chautauque."

"An act to amend the act entitled 'An act to provide for the erection of a new court-house and jail in the county of Broome,' passed April 18th, 1828."

E. T. THROOP.

Albany, March 19, 1829.

A communication from the comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, March 19, 1829.

SIR—

I have the honor herewith to transmit to the honorable the Assembly, a report made in obedience to a resolution of that body of the 17th instant.

I am, very respectfully,
Your obedient servant,
SILAS WRIGHT, Jr.

The Hon. PETER ROBINSON,
Speaker of the Assembly.

COMPTROLLER'S OFFICE,
Albany, March 18, 1829.

The Comptroller, in obedience to the resolution of the honorable the Assembly, requesting him "to lay before that house a statement of the appropriations which have been made by the state for the benefit of Columbia, Union and Hamilton Colleges, respectively, specifying the time when each appropriation was made," respectfully reports:

That the following statement exhibits the information required by the said resolution.

COLUMBIA COLLEGE.

Date of Appropriation.	*Source of Appropriation, &c.*	*Amount.*
1784, November 26,.	Granted from the treasury of the state, ...	$6,380 00
1792, April 11, ...	do do	19,750 00
	do do £750 annually for 5 yrs.	9,375 00
1796, April 11, ...	do do £750 do 2 "	3,750 00
1797, March 30, ...	do do $500 do to support a professorship of anatomy; continued till 1810, inclusive, and then transferred to the college of physicians and surgeons in the city of New-York; the am't. paid to Columbia college from 1797 to 1810, both inclusive, being 14 years, at $500 per annum, is	7,000 00
1797, March 30, ...	By an act passed this day, the botanic garden in the city of New-York was granted to this college, under certain conditions, and the conditions were repealed Feb. 1819. The value of the garden is unknown. The state gave for it, by the grant of a lottery, $74,268.75; but it was estimated by the comptroller in 1819, at	30,000 00
1819, February 19, .	Granted from the treasury of the state, ...	10,000 00
		86,255 00

By the acts chap. 82, of 1801, and chap. 105, of 1802, the Regents of the University are directed to convey to Columbia and Union Colleges, certain lands at Crown Point, Ticonderaga, and Lake George, the value of which lands the Comptroller has no means of ascertaining.

UNION COLLEGE.

1795, April 9, ...	Granted from the treasury of the state, ...	3,750 00
1796, April 11, ...	do do	10,000 00
1797, March 30, ...	do do for 2 years, $750 each.	1,500 00
1800, March 7, ...	do do	10,000 00
1805, March 27,....	do by lottery, & paid to the trustees,.	80,000 00
1814, April 13, ...	do do $200,000, with 6 years inter. at 7 per ct. $84,000..	284,000 00
		389,250 00

By an act passed 5th April, 1822, the management of the "Literature Lotteries," was transferred to the institutions for whose benefit they were granted; and the Comptroller is therefore unable to state what part of the above grant has been raised. Besides the above appropriation, ten lots in the Military Tract were granted to Union college, the value of which is unknown to the Comptroller. See also a grant of lands at Crown Point, &c., specified under the head of Columbia college.

HAMILTON COLLEGE.

1812, June 19,.....	Granted by act of this date, in bonds and mortgages, on lands in the Oneida reservation, amounting, principal and int., to.	50,000 00
1814, April 13, ...	Granted by lottery, $40,000, with 6 yrs. int. at 7 per cent., $16,800, ...	56,800 00
		$106,800 00

The remark above, in relation to the lottery grant to Union college, applies to the above grant by lottery to Hamilton college.

Respectfully submitted,
SILAS WRIGHT, JUNIOR.

Ordered, That the said communication be laid upon the table, and that the usual number of copies of the same be printed for the use of the legislature.

The engrossed bill entitled "An act to incorporate the Ithaca and Havana turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 90
NAYS 07

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Seeley
Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. A. Smith
Mr. Austin	Mr. Fowler	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bacon	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mandeville	Mr. Soper
Mr. Bogert	Mr. Gardiner	Mr. Mann	Mr. Speaker
Mr. Bostwick	Mr. Gosman	Mr. M'Crea	Mr. Spier
Mr. Boynton	Mr. Graham	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Gross	Mr. W. M'Donald	Mr. Tailor
Mr. Burt	Mr. J. Hall	Mr. M'Niel	Mr. Tower
Mr. Cargill	Mr. W. Hall	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. Hazeltine	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. Hedges	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Wheeler
Mr. Collier	Mr. Holdridge	Mr. Randall	Mr. White
Mr. Curtiss	Mr. Hubbard	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Scott	Mr. Young
Mr. Dyckman	Mr. Jenkins		90

Those who voted in the negative are—

Mr. Bailey	Mr. Dickson	Mr. Fitch	Mr. Willey
Mr. Davenport	Mr. Edgerton	Mr. Hascall	7

The engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9th, 1829," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 89
NAYS 07

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hynds	Mr. Sill
Mr. Allison	Mr. Dyckman	Mr. Ives	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Jenkins	Mr. A. Smith
Mr. Austin	Mr. Eldridge	Mr. Johnson	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Spier

Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Teller
Mr. Bradish	Mr. Gosman	Mr. W. M'Donald	Mr. Tower
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren
Mr. Cargill	Mr. Gross	Mr. Morell	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr Myers	Mr. Van Wyck
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Curtiss	Mr. Heermans	Mr. Sanford	Mr. Williamson
Mr. Dana	Mr. Hubbard	Mr. Scott	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dean			89

Those who voted in the negative are—

Mr. Davenport	Mr. Edgerton	Mr. Hascall	Mr. Sheppard
Mr. Dickson	Mr. Fitch	Mr. Judd	7

The engrossed bill entitled "An act to enable the trustees of the Reformed Dutch church in the town of Bushwick in the county of Kings, to sell a lot of land lying in the village of Williamsburgh," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 98}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbard	Mr. Sanford
Mr. Allison	Mr. Dyckman	Mr. Hubbell	Mr. Savage
Mr. Armstrong	Mr. Dygert	Mr. Hynds	Mr. Scott
Mr. Arnold	Mr. Edgerton	Mr. Ives	Mr. Seeley
Mr. Austin	Mr. Eldridge	Mr Jenkins	Mr. Sheppard
Mr. Bacon	Mr. Falley	Mr. Johnson	Mr. Sill
Mr. Bailey	Mr. Fillmore	Mr. Jones	Mr. Skinner
Mr. E. Baker	Mr. Fitch	Mr. Judd	Mr. A. Smith
Mr. Baragar	Mr. Fowler	Mr. Lindsley	Mr. H. D. Smith
Mr. Bogert	Mr. Franklin	Mr. C. L. Livingston	Mr. Soper
Mr. Boynton	Mr. W. K. Fuller	Mr. Mallory	Mr. Speaker
Mr. Bradish	Mr. Garbutt	Mr. Mandeville	Mr. Spier
Mr. Burt	Mr. Gardner	Mr. Mann	Mr. Stanton
Mr. Cargill	Mr. Gosman	Mr. M'Crea	Mr. Tailor
Mr. Carley	Mr. Graham	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Carrier	Mr. Graves	Mr. W. M'Donald	Mr. Vanderbilt
Mr. Case	Mr. Gross	Mr. M'Niel	Mr. Waugh
Mr. Chandler	Mr. J. Hall	Mr. Morell	Mr. Wheeler
Mr. Collier	Mr. W. Hall	Mr. Myers	Mr. White
Mr. Curtiss	Mr. Hammond	Mr. Noble	Mr. Willey
Mr. Dana	Mr. Hascall	Mr. Paige	Mr. Williams
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Wyckoff
Mr. Dean	Mr. Heermans	Mr. Redfield	Mr. Young
Mr. Defreest	Mr. Holdridge		98

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of the representatives or devisees of Robert Adams deceased," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92}
{NAYS 02}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Ives	Mr. Seeley
Mr. Allison	Mr. Dickson	Mr. Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Sill
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. Judd	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Soper
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Speaker
Mr. Bogert	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. J. M'Donald	Mr. Tower
Mr. Burt	Mr. Graham	Mr. W. M'Donald	Mr. P. Van Beuren
Mr. Cargill	Mr. J. Hall	Mr. M'Niel	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Morell	Mr. Van Wyck
Mr. Carrier	Mr. Hammond	Mr. Myers	Mr. Waugh
Mr. Case	Mr. Hascall	Mr. Noble	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Collier	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Davenport	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Scott	Mr. Young 92

Those who voted in the negative are—

Mr. Edgerton	Mr. L. Smith	2

The engrossed bill from the Senate, entitled "An act to change the name and style of the First Presbyterian church and society in Roxbury," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Sill
Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Falley	Mr. Judd	Mr. A. Smith
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Austin	Mr. Fowler	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bacon	Mr. Franklin	Mr. Mallory	Mr. Soper
Mr. Bailey	Mr. W. K. Fuller	Mr. Mandeville	Mr. Speaker
Mr. E. Baker	Mr. Gardiner	Mr. Mann	Mr. Spier

Mr. Baragar	Mr. Gosman	Mr. M'Crea	Mr. Stanton
Mr. Bogert	Mr. Graham	Mr. J. M'Donold	Mr. Starr
Mr. Bostwick	Mr Graves	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Gross	Mr. Morell	Mr. Teller
Mr. Bradish	Mr. J. Hall	Mr. Myers	Mr. Tower
Mr. Cargill	Mr. Hammond	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Hascall	Mr. Paige	Mr. Vanderbilt
Mr. Carrier	Mr. Hazeltine	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Hedges	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Seeley	Mr Wyckoff
Mr. Dean	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Dickson	Mr. Jenkins		94

The engrossed bill from the Senate, entitled "An act for the relief of John Griffiths and Eleanor Griffiths," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative. two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hynds	Mr. Sheppard
Mr. Allison	Mr. Edgerton	Mr. Ives	Mr. Sill
Mr. Arnold	Mr. Eldridge	Mr. Jenkins	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Johnson	Mr. A. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. Lindsley	Mr. L. Smith
Mr. Bogert	Mr. Franklin	Mr. C. L. Livingston	Mr. Soper
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mallory	Mr. Speaker
Mr. Boynton	Mr. Garbutt	Mr. Mandeville	Mr. Spier
Mr. Bradish	Mr. Gardiner	Mr. Mann	Mr. Stanton
Mr. Burt	Mr. Gosman	Mr. M'Crea	Mr. Tailor
Mr. Cargill	Mr. Graham	Mr. J. M'Donald	Mr. Tower
Mr. Carley	Mr. Gross	Mr. W. M'Donald	Mr. P. Van Buren
Mr. Carrier	Mr. J. Hall	Mr. M'Niel	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Morell	Mr. Van Wyck
Mr. Chandler	Mr. Hammond	Mr. Myers	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Noble	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Holdridge	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dickson			93

The engrossed bill from the Senate, entitled "An act concerning the writ of certiorari in criminal cases," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and inform them that this house have passed the same without amendment.

Mr. Paige, from the select committee to which was committed the bill entitled "An act to authorise the issuing of executions by the justices' court of the city

of Schenectady," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate the village of Lockport;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the able, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to continue in force the act incorporating the Ancient Britons' benefit society of the village of Utica;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Noble, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the county of Onondaga;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Case, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, MARCH 21, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Tompkins, praying for the incorporation of a bank, to be located at the village of Ithaca, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

Three several remonstrances of sundry inhabitants of the town of Deerfield, against a division of that town, were read, and referred to the committee on the erection and division of towns and counties.

The petition of Margaret Wool, setting forth that the lot set apart by the commissioners of the land-office, for the relief of the heirs of Isaiah Wool, a revolutionary officer, pursuant to an act of the legislature, has proved of no value, but on the contrary, an expense to those whom it was intended to relieve, and praying relief in the premises, was read, and referred to a select committee, consisting of Mr. Myers, Mr. Mann and Mr. Arnold.

Three several petitions of sundry inhabitants of the town of Sharon in the county of Schoharie, and of the towns of Milford, Middlefield, Worcester and Cherry-Valley, in the county of Otsego, praying for the renewal of the charter of the Central Bank at Cherry-Valley, were severally read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of John M'Lallan, praying for the passage of a law to grant to him the exclusive privilege of maintaining a ferry across Cayuga lake, from Frog point to Woodward's or Countryman's landing, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law to authorise the construction of a rail-road from Canajoharie to Catskill, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Jacob Liebold, of Buffalo in the county of Erie, an alien, praying for the passage of a law to enable him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The memorial of sundry inhabitants of the town of Hunter in the county of Greene, praying for a certain amendment in the act incorporating the Hunter turnpike road company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of Albert H. Tracy and others, inhabitants of the county of Erie, praying for the incorporation of a company for the purpose of constructing a road from the village of Buffalo to near the house of Joseph Foster in the town of Hamburgh, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Plainfield in the county of Otsego, praying for a certain amendment in the act passed April 19th, 1828, appointing commissioners to lay out a certain highway in that town, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petitions of Moses Speers of the city of New-York, and Alexander Kennedy of the town of Hillsdale in the county of Columbia, aliens, severally praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of Killian Miller and Joseph D. Monell, praying to be relieved from the payment of interest on a judgment due the state against Alexander Smith, late sheriff of the county of Columbia, and against the petitioners as his sureties, was read, and referred to the attorney-general and comptroller.

The petition of the Hillsdale and Chatham turnpike road company, praying that they may be authorised to improve a certain road which intersects their turnpike, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the county of Dutchess, praying for the incorporation of a company to construct a turnpike road through the county of Dutchess therein described, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. Bradish, from the committee on public lands, to which was referred the petition of John Hooker, of the town of Ira in the county of Cayuga, praying for the passage of a law to authorise the surveyor-general to sell to him a certain lot of land at its appraised value, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Bradish, according to leave, brought in the said bill, entitled "An act authorising the sale of certain lands in the town of Wolcott;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of sundry inhabitants of the city of Albany, praying that the common school money now drawn by the Lancaster school, may be divided among the common schools in said city, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act relating to common schools in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the said bill, together with the report of the superintendent of common schools on that subject, be printed for the use of the legislature.

Mr. Savage, from the committee on grievances, to which was referred the petition of John Enders and Hannah Greenman, of the town of Florida in the county of Montgomery, reported:

That the committee have had the said petition under their consideration, and are of the opinion that the prayer of the petitioners ought not to be granted, and have directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted, and that the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. W. M'Donald, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act declaring a part of the Little Conewango creek a public highway;" the bill entitled "An act for the preservation of fish, in certain ponds in the county of Westchester;" the bill entitled "An act authorising the board of supervisors of the county of St. Lawrence to levy and assess a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river, at the village of Ogdensburgh;" the bill entitled "An act to incorporate the Smithboro' and Nichols bridge company;" the bill entitled "An act for the relief of the late treasurer of Livingston county;" the bill entitled "An act for the appointment of inspectors of the Schoharie kill bridge company;" the bill entitled "An act to alter the October term of the courts of common pleas and general sessions, in and for the county of Warren;" the engrossed bill from the Senate, entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes;" and the engrossed bill from the Senate, entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act declaring a part of the Little Conewango creek a public highway," be referred to a select committee, consisting of Mr. Mixer, Mr. Hazeltine and Mr. Fillmore; that the bill entitled "An act for the preservation of fish, in certain ponds in the county of Westchester," be referred to a select committee, consisting of Mr. Davenport, Mr. A. Smith and Mr. Brown; that the bill entitled "An act authorising the board of supervisors of the county of St. Lawrence to levy and assess a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river, at the village of Ogdensburgh," be referred to a select committee, consisting of Mr. Sanford, Mr. H. D. Smith and Mr. Bradish; that the bill entitled "An act to incorporate the Smithboro' and Nichols bridge company," be referred to a select committee, consisting of Mr. Dana, Mr. Barager and Mr. C. Baker; that the bill entitled "An act for the relief of the late treasurer of Livingston county," be referred to a select committee, consisting of Mr. P. C. Fuller, Mr. Goodman and Mr. Garbutt; that the bill entitled "An act for the appointment of inspectors of the Schoharie kill bridge company," be referred to a select committee, consisting of Mr. Seely, Mr. Austin and Mr. Efner; that the bill entitled "An act to alter the October term of the courts of common pleas and general sessions, in and for the county of Warren," be referred to a select committee, consisting of Mr. W. M'Donald, Mr. Gross and Mr. Edgerton; that the engrossed bill from the Senate, entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes," be referred to a select committee, consisting of Mr. Dana, Mr. Sheppard and Mr. Norton; and that the engrossed bill from the Senate, entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes," be referred to a select committee, consist-

ing of Mr. Dana, Mr. Sheppard and Mr. Norton; to be by the said select committees severally reported complete.

Mr. Chandler, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising John Smith, William Smith and Abram Smith, to erect a dam across the Tioughnioga river," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Paige, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Francis Atkinson," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Randall, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising an additional amount of money to be raised by tax for roads and bridges in the town of Florida," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Spier, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act amending an act for the relief of the inhabitants of Lake-Pleasant, passed March 23d, 1821," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Bostwick, from the select committee to which was committed the bill entitled "An act to divide the town of Junius in the county of Seneca, into four towns," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to appoint commissioners to lay out a highway from Canadaway in the county of Chautauque, to the village of Perry in the county of Genesee," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act to appoint commissioners to lay out a highway from Fredonia in the county of Chautauque, to the town of Perry in the county of Genesee," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Ordered, That Mr. M'Neil have leave of absence for four days, and Mr. M'Crea for seven days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act declaring the Ancram turnpike road a public highway;" and that the said bill be committed to a select committee, consisting of Mr. Holdridge, Mr. P. Van Beuren and Mr. H. W. Livingston, to consider and report thereon.

In pursuance of previous notice, Mr. Willey asked for and obtained leave to bring in a bill entitled "An act to amend the fifty-first section of article third of title first of chapter sixteenth of the first part of the Revised Statutes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Baragar asked for and obtained leave to bring in a bill entitled "An act authorising John R. Drake to build a dam in the Susquehannah river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The house then proceeded to the consideration of the resolution reported by the committee on claims, on the petition of William Brayton and others; the same was again read, in the words following, to wit:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The house then proceeded to the consideration of the amendments of the Senate, to the bill entitled "An act authorising the construction of the Chenango canal."

The said bill and amendments were read, and the question on concurring with the Senate in their amendments being divided by the house, the seventh section of the bill, as originally agreed to by the Assembly, was read in the words following, to wit:

§ 7. The canal commissioners shall not proceed to construct said canal unless they shall be first satisfied, by actual survey and estimates, that there will be an adequate supply of water for the summit level without taking any of the waters of either the Oriskany or Sawquoit creeks; that the cost of the construction of said canal will not exceed one million of dollars; and also, that said canal will produce to the state, in connection with the increased tolls on the Erie canal, after paying interest upon cost, repairs, and expense of attendance for the first ten years after its construction, four per cent. annually, upon the cost of its construction.

Thereupon,

The first and second of the amendments of the Senate, to the said section were read in the words following:

After "the" in the 1st line, insert "acting"; and in the same line, after the words "construct said canal," insert "until they, together with Samuel Young, one of the canal commissioners, or any two of them, shall have first personally viewed the route thereof, which they are hereby required to do during the next summer, nor."

Mr. Speaker put the question whether the house would agree to concur with the Senate in the said amendments, and it was determined in the negative.

{NAYS 65}
{AYES 38}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dean	Mr. Heermans	Mr. Sheppard
Mr. Allison	Mr. Dyckman	Mr. Holdridge	Mr. Skinner
Mr. Armstrong	Mr. Dygert	Mr. Hubbard	Mr. Sloughter
Mr. Arnold	Mr. Edgerton	Mr. Hynds	Mr. A. Smith
Mr. Bailey	Mr. Falley	Mr. Ives	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. Jones	Mr. L. Smith
Mr. Baragar	Mr. Garbutt	Mr. Judd	Mr. Soper
Mr. Bogert	Mr. Gardiner	Mr. Mandeville	Mr. Tailor
Mr. Bostwick	Mr. Gosman	Mr. Mann	Mr. Teller
Mr. Brinkerhoff	Mr. Graham	Mr. Mixer	Mr. Vanderbilt
Mr. Cargill	Mr. J. Hall	Mr. Morell	Mr. Van Wyck
Mr. Carley	Mr. W. Hall	Mr. Myers	Mr. Waugh
Mr. Carrier	Mr. Hammond	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Hazeltine	Mr. Scott	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Seeley	Mr. Wyckoff
Mr. Dayton			

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Those who voted in the affirmative are—

Mr. Bacon	Mr. Fitch	Mr. Mallory	Mr. Sill
Mr. Boynton	Mr. Fleming	Mr. J. M'Donald	Mr. Speaker
Mr. Bradish	Mr. Franklin	Mr. W. M'Donald	Mr. Spier
Mr. Burt	Mr. W. K Fuller	Mr. Noble	Mr. Stanton
Mr. Case	Mr. Graves	Mr. Norton	Mr. Starr
Mr. Chandler	Mr. Hubbell	Mr. Paige	Mr. Tower
Mr Defreest	Mr. Jenkins	Mr. Phoenix	Mr. White
Mr. Dickson	Mr. Johnson	Mr. Randall	Mr. Williams
Mr. Eldridge	Mr. Lindsley	Mr. Savage	Mr. Young
Mr. Fillmore	Mr. C. L. Livingston		38

Thereupon,

The third amendment of the Senate to the said section was read, in the words following, to wit:

Strike out all of the section from the word "canal" in the 7th line, and insert the following: "for the first ten years after its construction, an amount of tolls which shall be equal to the interest upon its cost, together with repairs and expense of attendance."

Mr. Speaker put the question whether the house would agree to concur with the Senate in the said amendment, and it was determined in the affirmative.

AYES	69
NAYS	34

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Dickson	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Sheppard
Mr. Arnold	Mr. Eldridge	Mr. Johnson	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Jones	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bogert	Mr. Fleming	Mr. Mallory	Mr. Soper
Mr. Bostwick	Mr. Franklin	Mr. J. M'Donald	Mr. Speaker
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Spier
Mr. Bradish	Mr. Garbutt	Mr. Mixer	Mr. Stanton
Mr. Burt	Mr. Gardner	Mr Myers	Mr. Starr
Mr. Cargill	Mr. Graves	Mr. Noble	Mr. Tower
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Case	Mr. Heermans	Mr. Phoenix	Mr. Willey
Mr. Chandler	Mr. Holdridge	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Defreest			69

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fowler	Mr. Judd	Mr. A. Smith
Mr. E. Baker	Mr. Gosman	Mr. Mandeville	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. Mann	Mr. Teller
Mr. Collier	Mr. J. Hall	Mr. Morell	Mr. Vanderbilt
Mr. Dana	Mr. W. Hall	Mr. Redfield	Mr. Van Wyck
Mr. Davenport	Mr. Hascall	Mr. Sanford	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Seeley	Mr. Williamson
Mr. Dygert	Mr. Hubbard	Mr. Sloughter	Mr. Wyckoff
Mr. Edgerton	Mr. Hynds		34

Thereupon,

The first amendment of the Senate to the 9th section of the said bill was non-concurred in; and the second of their amendments being concurred in by the house,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in such of their amendments to the said bill as are for that purpose designated in the margin of the same, and do non-concur in their other amendments to the said bill.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town;" the engrossed bill entitled "An act authorising the supervisor and overseers of the poor of the town of Mount-Pleasant in the county of Westchester, to sell the poor-house and farm belonging to said town;" the engrossed bill entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial for certain purposes," and the engrossed bill entitled "An act confirming the division of a lot of land owned by the Dutch reformed churches in the towns of Rochester and Wawarsing;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the supervisor and overseers of the poor of the town of Mount-Pleasant in the county of Westchester, to sell the poor-house and farm belonging to said town," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial for certain purposes," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act confirming the division of a lot of land owned by the Dutch reformed churches in the towns of Rochester and Wawarsing," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Ives	Mr. Sill
Mr. Allison	Mr. Dygert	Mr Jenkins	Mr. Sloughter
Mr. Arnold	Mr. Edgerton	Mr. Johnson	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. H. D. Smith
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. Baragar	Mr. Fitch	Mr. C. L. Livingston	Mr. Soper
Mr. Bogert	Mr. Fowler	Mr. Mallory	Mr. Speaker
Mr. Bostwick	Mr. Franklin	Mr. Mandeville	Mr. Spier
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Gardner	Mr. W. M'Donald	Mr. Starr
Mr. Brinkerhoff	Mr. Gosman	Mr. Mixer	Mr. Tailor
Mr. Burt	Mr. Graham	Mr. Morell	Mr. Teller
Mr. Cargill	Mr. Graves	Mr. Myers	Mr. Tower
Mr. Carley	Mr. Gross	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. White

Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dickson	Mr. Hynds	Mr. Sheppard	91

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes;" and the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825;" and find the said bills correctly engrossed.

Ordered, That the said bill, entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes," be laid upon the table.

Ordered, That the said bill, entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825," be referred to a select committee, consisting of Mr. Paige, Mr. L. Smith and Mr. Edgerton, to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act incorporating the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same;" and find the same correctly engrossed.

Ordered, That the said bill be laid upon the table.

The engrossed bill entitled "An act to authorise the issuing of executions by the justices' court of the city of Schenectady, and for other purposes," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Ives	Mr. Sloughter
Mr. Allison	Mr. Edgerton	Mr. Jenkins	Mr. A. Smith
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. H. D. Smith
Mr. Bailey	Mr. Fillmore	Mr. Judd	Mr. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. Soper
Mr. Baragar	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mallory	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. Gardiner	Mr. J. M'Donold	Mr. Starr
Mr. Bradish	Mr. Gosman	Mr. W. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Graves	Mr. Morell	Mr. Tower
Mr. Cargill	Mr. Gross	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Davenport	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Holdridge	Mr. Scott	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Seeley	Mr. Wyckoff
Mr. Dickson	Mr. Hubbell	Mr. Sheppard	Mr. Young
Mr. Dyckman	Mr. Hynds	Mr. Sill	91

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to continue in force the act incorporating the Ancient Britons' benefit society of the village of Utica," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	02

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Allison	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Armstrong	Mr. Fillmore	Mr. C. L. Livingston	Mr. A. Smith
Mr. Arnold	Mr. Fitch	Mr. Mallory	Mr. H. D. Smith
Mr. Bacon	Mr Fleming	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Soper
Mr. Baragar	Mr. Franklin	Mr. W. M'Donald	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mixer	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. Morell	Mr. Stanton
Mr. Bradish	Mr. Gardiner	Mr. Myers	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. Noble	Mr. Teller
Mr. Burt	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Cargill	Mr. Hammond	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. Hazeltine	Mr. Phoenix	Mr. Van Wyck
Mr. Carrier	Mr. Heermans	Mr. Randall	Mr. Waugh
Mr. Case	Mr. Holdridge	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hubbard	Mr. Sanford	Mr. White
Mr. Dana	Mr. Hubbell	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Hynds	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Jenkins	Mr. Sheppard	Mr. Wyckoff
Mr. Dickson	Mr. Johnson	Mr. Sill	Mr. Young
Mr. Dyckman			89

Those who voted in the negative are—

Mr. Edgerton	Mr. Gosman	2

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the village of Lockport," with the engrossed amendments, was read the third time.

Ordered, That the said bill and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act relative to the clerk's office of the county of Broome," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, and concurred in,

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising Judiah E. Budlong, Alvin Plumb, Thomas W. Harvey, Daniel Hazeltine and Silas Tiffany, to improve a part of the outlet of Chautauque lake for

steam-boat navigation," and have amended the title so as to read "An act to improve a part of the outlet of Chautauque lake, for steam-boat navigation."

The said bill and amendment were read; and the amendment having been again read and concurred in,

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Madison county rail-road company;" the bill entitled "An act concerning the poor fund of the town of Cazenovia;" the bill entitled "An act to incorporate the Flushing and Huntington turnpike company;" and the bill entitled "An act to divide the town of Homer in the county of Cortland;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the Madison counnty rail-road company," was referred to a select committee, consisting of Mr. Williams, Mr. Eldridge and Mr. W. K. Fuller; the bill entitled "An act concerning the poor fund of the town of Cazenovia," was referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Eldridge and Mr. Williams; the bill entitled "An act to incorporate the Flushing and Huntington turnpike company," was referred to a select committee, consisting of Mr. Jones, Mr. Williamson and Mr. Hedges; and the bill entitled "An act to divide the town of Homer, in the county of Cortland," was referred to a select committee, consisting of Mr. Armstrong, Mr. Curtis and Mr. Carley, severally to consider and report thereon.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the county of Onondaga;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Case, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the amendments ordered to be engrossed, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the payment of damages occasioned by the erection and continuance of the Fort Miller dam in the Hudson river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Ives, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to divide the town of Richmond in the county of Ontario;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Ives, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock on Monday morning next.

MONDAY, MARCH 23, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the towns of Unadilla and Butternuts in the county of Otsego, praying for the incorporation of a company for the purpose of dressing and manufacturing hemp and flax, was read, and referred to the committee on trade and manufactures.

The petition of the trustees of the village of Cooperstown, praying for an amendment of their charter, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the village of Rochester, praying for the incorporation of said village as a city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the erection of a new town from parts of the towns of Canton, Russell, De Kalb and Edwards, in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the Albany horticultural society, praying for an act of incorporation, was read, and referred to the committee on agriculture.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Dutchess, praying for the incorporation of the Deep Hollow branch turnpike road company, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Deep Hollow branch turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of the supervisors of the county of Genesee, praying permission to raise money, in their discretion, for building bridges in said county, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to authorise the board of supervisors of the county of Genesee, in their discretion, to raise certain monies for the purpose of building roads and bridges;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the petition of Albert H. Tracy and others, inhabitants of the county of Erie, praying for the incorporation of a company for the purpose of constructing a turnpike road from the village of Buffalo to a point near the house of Joseph Foster in the town of Hamburgh, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Buffalo and Hamburgh turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of John M'Lallan, praying for the passage of a law to authorise him to keep a ferry across the Cayuga lake, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act authorising John M'Lallan to establish a ferry across the Cayuga lake;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to whom was referred the petition of Barent Bond, reported:

That the petitioner sets forth, that previous to the 14th day of April last, he was owner and master of the canal boat "Bee of Sandy-Hill so called," employed chiefly in transporting lime to the cities of Troy and Albany; that on that day he proceeded with the said boat, properly laden, from Kingsbury in the county of Washington, for Waterford, having obtained a clearance from the first collector's office, a copy of which is annexed to his petition. Having arrived below the guard-lock, at Fort Miller, in the evening "he tied up for the night outside of two other boats, in a full depth of water, and retired to rest. On being alarmed early in the morning, by the cries of danger, he found that the water had been drawn off, and reduced more than eighteen inches, and his boat had grounded at one end, while the other was rapidly filling and sinking, and his cargo, which was in tierces and barrels, was in a state of high combustion: in short, notwithstanding the great exertions demanded by the occasion, the boat sunk, the cargo, sail and some clothing of the petitioner was lost entirely, between the devouring elements of fire and water."

On inquiry as to the cause of the disaster, the lock-keeper informed the petitioner "that he had, on the evening previous, left the wicket gates open in a proper manner, to supply the level on which the petitioner rested for the night, with sufficient water; but that either boats or rafts must have passed in the night, and their attendants negligently left those gates shut, or some evil disposed persons had wickedly shut them; and in this way, and no other, could the deficiency of the water in the level below, and the *accident* to the petitioner, have been produced."

The petitioner further states, "that he would willingly have abandoned the said boat and cargo, and looked for indemnity to the justice and equity of the state for his damages. But your petitioner was informed, (and so he is since informed the law is,) that unless he removed the obstruction created by his sunken boat and burning sail and cargo, he would be subject to various and heavy penalties; and he therefore, at an expense of more than $30, took out the material of his ruined cargo, and the boat being entirely ruined, he had to cut it up and take it out by pieces."

The petitioner then gives an estimate, at "cash value," of his losses, amounting in all to $436 70, and concludes in these words: "And now, in consideration of the premises, and inasmuch as your petitioner will otherwise be remediless, he humbly prays relief, and that by a legislative act he may be indemnified for his said losses."

The petitioner verifies the facts set forth in his petition, by his affidavit annexed thereto.

The committee have patiently considered and examined the case of the petitioner, but they have been compelled to believe, that with all its accumulated afflictions and perplexities to the petitioner, it calls more for commisseration, than legislative interference.

It appears, by his own showing, that the "accident," as he calls it, happened by the neglect, not of the agent of the state, but of "some other person, or by the misconduct of some evil disposed person." It is believed that the state has not as yet made itself accountable for the injuries occasioned by the misconduct or crimes of individuals: Neither has the state heretofore provided against losses by "accident," to their individual citizens. In the consideration of municipal law, therefore, the petitioner has sustained damage without injury. In the moral law, he may posssibly regard it has a paternal chastisement, intended for his benefit; but the committee have been unable to discover any rule by which they can recommend for him the relief prayed for; and they have accordingly directed their chairman to submit for the consideration of the house the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the petition of officers of infantry in the city and county of New-York, praying to be exempt from jury duty while in office, reported :

That the committee had bestowed on the subject referred to in the petition, that reflection and candid consideration which the importance of the subject requires.

The infantry in the city and county of New-York are required, by law, to parade three times in each year, once by company and twice by regiment or separate battalion ; and the officers and non-commissioned officers, for improvement, not less than eight times in each year.

The committee are aware that a faithful discharge of these duties is not only burthensome, but attended with considerable expense of money and loss of time.

Among the petitioners are officers of the highest rank, and gentlemen of the first standing and respectability in the city and county of New-York ; and the committee duly appreciate, and are proud to acknowledge, the laudable zeal and just ambition they have on all occasions evinced, to improve and bring to a high state of discipline the corps subject to their several commands, and for which they are entitled to much credit.

The constitution provides that a well regulated militia is necessary to the security of a free state, and as the militia are considered the bulwark and safeguard of our liberties, (in cases of invasion or insurrection,) it would seem as if inducements ought to be held out to them, to engage in this service. But on the other hand, when it is considered that every citizen is a soldier, and every soldier a citizen ; that we have no privileged order here ; that from our citizen soldiers emanates all our power, and that all have rights to protect and defend, and as the administration and benefit of our laws are intended to operate as equal as may be to the advantage of all, inconveniencies arising out of them ought to be borne as becomes a patriot, a citizen, and a soldier.

Our constitution guarantees to us the right of trial by jury, and as a sound, discreet and intelligent jury is highly necessary in all cases of litigation among our citizens, and to discriminate and render justice between man and man, no measures ought to be adopted that shall in any way impair the efficiency of this tribunal, or render it onerous and burthensome on a few.

The committee are of opinion, that to exempt the officers of infantry in the city and county of New-York, while in command, would be unwise, both in principle and precedent. Exempt these, and others, not only in our other cities, but throughout the state generally, would consider themselves as being justly entitled to the same privilege ; and it must be obvious to every one, that to make a general provision of this kind, would be far from being a salutary measure : For by it, our jury lists would be deprived, and our state lose the benefit and worth of many of our ablest jurymen.

The committee are therefore of opinion, that it is inexpedient, at this time, to alter the law on this subject ; and they have instructed their chairman to offer the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to whom was referred the petition of inhabitants of the town of Schoharie, reported :

That said petitioners are praying the legislature to repeal or modify the 24th section of the act concerning highways, bridges, &c. By reference to that act, chapter 16th, title 1st, article 2d, it is made the duty of the commissioners of highways of each town, to assess upon the taxable inhabitants at least three

times the number of days of such taxable inhabitants, and that every male inhabitant being above the age of twenty-one years, shall be assessed at least one day: that the residue of such days' works shall be apportioned upon the estate, real and personal, of every inhabitant of such town, as the same shall appear by the last assessment roll of such town.

It is conceived that the effect and operation of the above provision will cause a larger number of days to be assessed upon the inhabitants of some districts, than is necessary to keep the roads in repair; therefore the revised law in that respect requires an alteration. This law has been but one year in operation, and was one which received a full investigation by the legislature of 1827, and was adopted after taking a general view of the whole subject. The committee do not feel authorised to recommend a repeal of a law so soon after it has been made known to our citizens, and before the usefulness of its provisions have been fairly tested. The committee believe a remedy is within the jurisdiction of the town authorities, which is, that in road districts composed of a dense population, and possessing a great share of wealth, the highway commissioners of the several towns in such cases might increase the districts so as to equalize the same. Therefore they recommend the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw the same.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Isaac Vail, praying that the canal board may be authorised to make to him a further extra allowance on a canal contract, together with the report of the canal commissioners thereon, reported the following resolution for the consideration of the house:

Resolved, That the prayer of the petitioner ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of James Ledgerwood and John Ledgerwood, praying that the canal board may be authorised to make them a further extra allowance on a contract for building locks at the Cohoes falls, together with the report of the canal commissioners thereon, reported for the consideration of the house the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. W. K. Fuller, from the select committee to which were referred the engrossed bill from the Senate, entitled "An act concerning the poor fund of the town of Cazenovia," and the bill entitled "An act to incorporate the Madison county rail-road company," reported, that they have examined the said bills, and see no reason why the same should not be passed into laws.

Ordered, That the said bills be committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Flushing and Huntington turnpike company," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the petition of sundry inhabitants of the town of New-Utrecht, in the county of Kings, praying for the passage of a law extending their privilege of fishery, reported:

That the petitioners state, they are the owners of the lands in the vicinity of the fortifications lately erected, and now erecting at the Narrows in Kings county; the value of which lands is considerably increased by the privilege of fishery belonging thereto; and on this account they pay three times the amount of taxes that the owners of lands equally as good, lying back from water, do. As the law now stands, they are prohibited from setting their hedges, &c. more

than twenty rods from the shore, which brings them considerably within the range of the fortifications now erecting, by means of which their privilege of fishing is much injured; therefore they pray for the passage of a law repealing the restrictions, or giving them the privilege of fishing within thirty rods of the shore. The committee are satisfied, that by granting the privilege asked for, it will not interfere with, nor obstruct the navigation; and they think the prayer of the petitioners reasonable, and have accordingly directed their chairman to ask leave to bring in a bill.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Holdridge, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act declaring the Ancram turnpike road a public highway," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house, and the bill ordered a third reading.

Mr. Dana, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Dana, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to change the name of the corporation of the trustees of the funds of the Genesee conference, and for other purposes," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. W. M'Donald, from the select committee to which was committed the bill entitled "An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Seeley, from the select committee to which was committed the bill entitled "An act authorising the appointment of inspectors for the Schoharie-kill bridge company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Armstrong, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to divide the town of Homer in the county of Cortland," reported, that they have examined the said bill, and that a majority of the said committee see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

In pursuance of previous notice, Mr. Mann asked for and obtained leave to bring in a bill entitled "An act in relation to the appraisal of damages on the canals, and for other purposes;" which was read the first time, and by unani-

mous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Davenport, from the select committee to which was referred the bill reported by the committee of nine, for the preservation of fish in certain ponds in Westchester county, have had the same under consideration, and consider it unnecessary and improper to legislate on the subject, inasmuch as the act of the legislature, passed April 15th, 1826, authorising the court of common pleas to regulate the fisheries in their respective counties, makes the necessary provisions required in said bill.

Ordered, That the said report be laid upon the table.

Mr. Garbutt offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That when this house adjourns, it will adjourn to meet again at eight o'clock to-morrow morning.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the negative.

{NAYS 60}
{AYES 21}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. W. K Fuller	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Gardiner	Mr. Morell	Mr. Tailor
Mr. Boynton	Mr. W. Hall	Mr. Myers	Mr. Teller
Mr. Bradish	Mr. Hazeltine	Mr. Norton	Mr. Tower
Mr. Brinkerhoff	Mr. Hedges	Mr. Randall	Mr. Vanderbilt
Mr. Cargill	Mr. Holdridge	Mr. Redfield	Mr. Waugh
Mr. Chandler	Mr. Hubbard	Mr. Ruggles	Mr. Wheeler
Mr. Collier	Mr. Hubbell	Mr. Sanford	Mr. White
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Dyckman	Mr. Johnson	Mr. Skinner	Mr. Wyckoff 60

Those who voted in the affirmative are—

Mr. Burt	Mr. Fillmore	Mr. Graves	Mr. Noble
Mr. Case	Mr. Fowler	Mr. Hammond	Mr. Scott
Mr. Dean	Mr. Garbutt	Mr. Hascall	Mr. Sill
Mr. Dickson	Mr. Gosman	Mr. Hynds	Mr. Willey
Mr. Edgerton	Mr. Graham	Mr. Mixer	Mr. Young
Mr. Eldridge			21

Ordered, That Mr. Titus have leave of absence for ten days, Mr. Curtis for four days, Mr. Arnold for ten days, Mr. Spier for three days, and Mr. W. McDonald for three days.

Mr. Hazeltine gave notice that he would, on some future day, ask leave to introduce a bill to alter the time of holding the next annual meeting of the board of supervisors for the county of Chautauque.

Mr. Ruggles gave notice that he would, on some future day, ask leave to introduce a bill authorising commissioners of highways to take the affidavits of overseers of highways, on their making returns of labor, &c. in their respective districts.

The Senate returned, by their clerk, the bill entitled "An act relative to the clerk's office in the county of Broome," and the bill entitled "An act to improve a part of the outlet of the Chautauque lake for steam-boat navigation."

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to amend the act entitled 'An act to incorporate the Catskill and Ithaca rail-road company,' passed April 21st, 1828."

E. T. THROOP.

Albany, March 21, 1829.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the supervisors of the county of Ulster to raise money to build a bridge over the Shawangunk kill, in the town of Shawangunk in said county," and the engrossed bill entitled "An act to divide the town of Junius in the county of Seneca, into four towns," and find the said bills correctly engrossed.

The said engrossed bill entitled "An act to authorise the supervisors of the county of Ulster to raise money to build a bridge over the Shawangunk kill, in the town of Shawangunk in said county," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act to divide the town of Junius in the county of Seneca, into four towns," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act declaring the Ancram turnpike road a public highway," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbell	Mr. Seeley
Mr. Allison	Mr. Dyckman	Mr. Hynds	Mr. Sheppard
Mr. Austin	Mr. Dygert	Mr. Ives	Mr. Sill
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Jones	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Lindsley	Mr. A. Smith
Mr. E. Baker	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. Fillmore	Mr. Mandeville	Mr. L. Smith
Mr. Barnett	Mr. Fitch	Mr. Mann	Mr. Soper
Mr. Bogert	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mixer	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. Morell	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Brinkerhoff	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Burt	Mr. J. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Cargill	Mr. W. Hall	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Case	Mr. Hascall	Mr. Randall	Mr. White

Mr. Chandler	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Collier	Mr. Hedges	Mr. Ruggles	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Holdridge	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Scott	Mr. Young
Mr. Dean			

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The engrossed bill from the Senate, entitled "An act to change the name of the seminary of the Genesee conference, and for other purposes," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 86}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbard	Mr. Seeley
Mr. Allison	Mr. Dyckman	Mr. Hubbell	Mr. Sheppard
Mr. Austin	Mr. Dygert	Mr. Hynds	Mr. Sill
Mr. Bacon	Mr. Edgerton	Mr. Ives	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Jenkins	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Johnson	Mr. A. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith
Mr. Barnet	Mr. Fitch	Mr. Lindsley	Mr. Soper
Mr. Bogert	Mr. Fowler	Mr. C. L. Livingston	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Tailor
Mr. Bradish	Mr. Gardiner	Mr. Mathews	Mr. Teller
Mr. Brinkerhoff	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Cargill	Mr Graves	Mr. Noble	Mr. Waugh
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Wheeler
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Hascall	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hazeltine	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Hedges	Mr. Scott	Mr. Young
Mr. Dean	Mr. Heermans		

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Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same severally without amendment.

The engrossed bill from the Senate, entitled "An act to divide the town of Camillus in the county of Onondaga," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

The engrossed bill from the Senate, entitled "An act to incorporate the village of Lockport," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 89}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbard	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr. Hubbell	Mr. Seeley
Mr. Austin	Mr. Dygert	Mr. Hynds	Mr. Sheppard
Mr. Bacon	Mr. Edgerton	Mr. Ives	Mr. Sill
Mr. Bailey	Mr. Efner	Mr. Jenkins	Mr. Skinner
Mr. C. Baker	Mr. Falley	Mr. Johnson	Mr. Sloughter
Mr. E. Baker	Mr. Fillmore	Mr. Jones	Mr. A. Smith
Mr. Baragar	Mr. Fitch	Mr. Judd	Mr. H. D. Smith
Mr. Barnet	Mr. Fowler	Mr. Lindsley	Mr. L. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. Gardiner	Mr. Mann	Mr. Starr
Mr. Bradish	Mr. Gosman	Mr. Mixer	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. Morell	Mr. Teller
Mr. Burt	Mr. Graves	Mr. Myers	Mr. Tower
Mr. Cargill	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Carrier	Mr. W. Hall	Mr. Norton	Mr. Wheeler
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Willey
Mr. Chandler	Mr. Hascall	Mr. Phoenix	Mr. Williams
Mr. Collier	Mr. Hazeltine	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hedges	Mr. Ruggles	Mr. Wyckoff
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Young
Mr. Dean			89

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same severally with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act to change the name of the corporation of the trustees of the Genesee conference, and for other purposes," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hynds	Mr. Seeley
Mr. Allison	Mr. Dygert	Mr. Ives	Mr. Sheppard
Mr. Austin	Mr. Edgerton	Mr. Jenkins	Mr. Sill
Mr. Bacon	Mr. Efner	Mr. Johnson	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. Jones	Mr. Sloughter
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. A. Smith
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. Fitch	Mr. Mandeville	Mr. L. Smith
Mr. Bogert	Mr. Fowler	Mr. Mann	Mr. Soper
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Starr
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Burt	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Dana	Mr. Heermans	Mr. Ruggles	Mr. Williams
Mr. Davenport	Mr. Holdridge	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dickson			93

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the payment of damages occasioned by the erection and continuance of the Fort Miller dam in the Hudson river:" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Ives, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act to authorise the appraisal of certain damages on the Champlain canal," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

TUESDAY, MARCH 24, 1829.

The House met pursuant to adjournment.

Sundry remonstrances of inhabitants of the village of Rochester, against the incorporation of the same as a city, were read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the city of Troy, owners and masters of vessels navigating the Hudson river, praying for the passage of an act requiring vessels lying at anchor in the harbor of New-York, to suspend a light during the night, was read, and referred to a committee of the whole when on the bill upon that subject.

The petition of William Young junior, an alien, praying that he may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Clymer, in the county of Chautauque, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law to authorise the construction of a rail-road from the village of Canajoharie to Catskill, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of C. Snowden and others, citizens of the city of New-York, praying for an act of incorporation under the name and style of the "Bridgewater coal and mining company," was read, and referred to a select committee, consisting of Mr. C. L. Livingston, Mr. J. Van Beuren and Mr. Myers.

Mr. Mann, from the committee on claims, to whom was referred the petition of Abner Smith, of the city of New-York, a revolutionary soldier, praying for legislative aid, reported:

That they have examined and considered the representations of the petitioner, as contained in his petition, and the documents therewith submitted; but they afford no further evidence than was before the committee on claims at the last annual session of the legislature, who reported that the petitioner was not

in the line of the regular army, and therefore did not come within the provisions of any law or resolution to provide for such cases, and therefore against the prayer of the petitioner. The committee have perceived no reason to differ from that conclusion, and have directed their chairman to submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Henry Becker, of the county of Onondaga, a revolutionary soldier, praying for a grant of bounty lands for revolutionary services, reported:

That they have examined the petition and documents submitted by the petitioner, together with the public records in relation to revolutionary transactions, and are of opinion that the evidence furnished by the petitioner is not sufficient to warrant the granting of the prayer of the petitioner; and they have directed that the following resolution be submitted for the consideration of the house:

Resolved, That the petitioner have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Dutchess, praying for the passage of a law to district a certain turnpike mentioned in the petition, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act authorising the Philipstown turnpike company to abandon a part of their road;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Austin, from the committee on agriculture, to which was referred the petition of the Albany horticultural society, for an act of incorporation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Austin, according to leave, brought in the said bill, entitled "An act to incorporate the Albany horticultural society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of John Sergeant," reported:

The bill directs the payment of two thousand dollars to Mr. Sergeant, in full for all claims whatever against the state.

The committee have bestowed a careful attention to the ground of the relief prayed for, and they have not been unmindful of their duty in examining with some caution the equity on which the petitioner relies again to take the benefits of access to the treasury. They have been more induced to vigilance from the circumstance that this is rather a hasty renewal of the petitioner's demands, after having participated in the bounty of the state to the amount of fifteen hundred dollars, by the act of the legislature for his relief, passed at their last annual session. Ordinarily, the bestowment of bounty excites gratitude to the giver, but in this instance it seems to have awakened and sharpened cupidity. These circumstances, it is believed, will furnish an apology for the examination which the committee have felt bound to make.

The petitioner is the son of the late John Sergeant, whose connection with the Indians in this state as a useful missionary for a great number of years, is

now matter of history; but the committee are not apprised whether the mantle of the father, in this respect, has fallen upon the son.

The petitioner states, "that with a view to the removal of the New-York Indians, your petitioner was appointed by the executive of this state as agent to manage the affairs relative to that object, and that he has faithfully performed the duties of his agency, being engaged about four years; and that he has expended about $1,600 of his own private funds, for which he has been paying interest about nine years."

The first inquiry to which the attention of the committee has been directed, is, whether the petitioner was the authorised agent of the state.

In order to be satisfied on this point, it is necessary to refer to the history of the transactions of the government with the Indians, found in the records, journals and statutes of the legislature, as well as in sundry documents submitted to the committee.

In a memorial presented to the legislature in 1826 by the petitioner, in connection with a part of the Stockbridge Indians, it is stated, "that in contemplation of their removal to the western wilderness, they found it necessary to procure the assistance of a 'white man:'" and "putting full confidence in the ability and integrity of Mr. John Sergeant, we solicited his aid and assistance to bring about that object." This memorial then states the fact, that after some negociation between them, Mr. Sergeant complied with their request, for which they agreed in writing to give him five hundred acres of their land, (which was designated,) at two dollars per acre, to be advanced to promote their object. This negociation was in 1818, and Governor Clinton approved of the agency; but it does not appear that he was advised of the contract except in this memorial, which no doubt was prepared by the petitioner or his counsel, and cannot be deemed evidence.

During the absence of the petitioner with a part of these Indians to Green Bay in 1821, those that remained, by treaty, sold to the state a part of their lands, including the land which they had previously promised to the petitioner. Whether they acted in good or bad faith in so doing, does not concern the state, and it is not necessary now to inquire.

By a treaty concluded in July 1818, the state purchased of these Indians a part of their lands, and granted them a yearly annuity. It seems that in making that treaty, the Indians had the benefit of the petitioner's agency, advice and services, and he in turn received substantial evidence that they considered him their "white counsellor;" for in the act of 2d April, 1819, confirming that treaty, the commissioners of the land-office are "directed to issue letters patent to John Sergeant, jun. for 250 acres of land, pursuant to the treaty; provided, that previous to the issuing of said letters patent, his excellency the Governor shall certify in writing to the commissioners of the land-office, and file it in said office, that in his opinion the said clause was not inserted in said treaty, by the mistake or fraud of the delegates who executed the treaty on the part of the said Indians; and that he has fully investigated those facts." It would seem from this proviso, that the legislature at that time did not recognize the petitioner as the agent of the state in making that treaty, and they must have been a little jealous that his agency for the Indians was not more beneficial to them than to himself.

The committee are not aware that complaints have been made as to the performance of this treaty, and probably the petitioner has enjoyed the benefits of his influence over these misguided sons of the forest.

By two successive acts of the legislature, passed in 1821 and 1822, in contemplation of the removal of these Indians to Green Bay, as represented in their memorials, the Governor is authorised to pay to them the principal of their several annuities; and both these acts provide that in case the payment shall be made to any agent, security shall be required for the faithful application thereof, but do not provide for the appointment of such agent by the state. In pursuance of these acts, the petitioner received the annuities of the Indians, and in his bond recites the fact that "the Indians in council have appointed him their agent to receive and apply the money, *to aid them in their removal*, and pay for

their lands." The petitioner did receive the money, and probably has applied it to "aid the Indians in their removal;" but of this it cannot be necessary here to inquire.

From the view which the committee have taken of this branch of the subject, and the facts and incidents of the transactions, they have come to the conclusion as expressed in the petitioner's bond, under his own hand, "that the Indians in council appointed him their agent," for a promised reward by voluntary agreement, to accomplish their own purposes.

But since they neglected to secure to him his "promised land," in the treaty of 1821, contrary to their usual caution on such occasions, particularly in the treaty of 1818, and since the fidelity of his friends, with whom he contracted, has failed him, he alleges that he was also the agent of the state, serving two masters, from one of whom surely he should receive his reward. There is evidence in the documents that he also was the servant of the United States.

Pursuing the idea that he could fasten himself upon this state as their agent, in 1823, he, with fourteen of the Indians, began by petitioning the legislature to convey to him the five hundred acres which the Indians had promised in 1818, the commencement of his labors under his contract with them. The state had sold this land, which they had purchased and paid for pursuant to treaty.—Twenty-one of the Indians remonstrated against the petition. It is alleged that this remonstrance was procured by the exertions of evil disposed persons. This may be true, and too much confidence should not generally be placed in remonstrances or petitions coming from such sources, as they are both liable to the same objections, of being produced by extraneous influence. The petitioner states that the vouchers, contracts and papers, which he then presented to support the application, are lost, which event in several recent instances, seems to have been a fortunate and common occurrence. In that year, the legislature, by the report of the committee, (Journals Assembly, p. 413,) concluded to leave the petitioner to settle the matter with the Indians, and exert his influence in the next treaty, which was held in the summer following by Gov. Yates, assisted by the Surveyor-General. The petitioner then appeared and preferred his claims upon the Indians for services in his agency. The Governor and Surveyor-General were of opinion "that the examination of the equity and amount of his claim, could not properly be undertaken on that occasion, and advised him to apply to the legislature." Mr. Williams, who reported for the committee on claims last year, remarks, "that he appears to have followed this advice faithfully": And yet it seems, notwithstanding his success, he still feels bound to pursue its injunctions.

In 1825, the committee on Indian affairs, of which Mr. Kirkland, a neighbor to the petitioner, was chairman, reported, (Ass. Jour. p. 751,) "that it appeared that the petitioner had been employed *by the Indians*, in all, nearly a year, and had rendered important services; and that in their opinion, although the agreement with the Indians was for a larger sum than might be thought reasonable, yet the committee believe the petitioner is entitled to some remuneration for his services."

In 1826, the committee on claims, of which Mr. Monell was chairman, reported a bill to give the petitioner $1,000; and they state, that it appeared the petitioner had been employed in the *service of the Indians nearly* one year. The documents then presented were printed, and are found in documents printed of that year, No. 75.

The committee on Indian affairs in 1827, report that the petitioner "applies for the bounty of the house, but they are not aware of the time he spent in his agency."

In none of the reports which have been made by the different committees to which the petitioner's claim has been presented, does it appear that the petitioner was considered the agent of the state, or that he had a claim other than upon the bounty and generosity of the legislature. That generosity was exercised with some liberality towards the petitioner last year, even to one-third more than in 1826 he was willing to receive.

He now claims for the first time as of right. He alleges verbally, that by the treaty of 1823, the state became seized of his "promised land," in trust, by implication, for him; and that in equity, they are bound to account to him for their stewardship in the management of his equitable property. A slight examination, it is believed, will show that this pretension is unfounded.

The contract made with the Indians, by the petitioner, for the purchase of their lands in the first instance, was a violation of the constitution and laws of the country, and it is difficult to discover how the petitioner could acquire any equity by such violation. It has never been deemed advisable to reward citizens from the treasury for yielding obedience to our laws and constitution, and the committee have doubted the policy of taxing the community to give a bounty to an individual for a palpable violation of the social compact.

It is, however, said, that the contract was made with the knowledge of the executive authority. There is no evidence of this, and if there was, it could not alter the case in the least, because such knowledge could not validate that which was void by the laws and constitution. Again: It is said that the government acquired the lands with a knowledge of the petitioner's rights as to the 500 acres, and that in equity they took those lands, subject to such pre-existing incumbrance, in trust for the petitioner. Although the government knew full well of the existence of an illegal, unconscientious or void contract, by which the Indians had previously bargained their lands, when they concluded the treaty of purchase, it is not perceived how any principles of equity could thereby imply that they became trustees for a party to such contract. But when the government acquired the 500 acres in the absence of the petitioner, in point of fact they had no knowledge of his contract. At the treaty of 1823, in relation to other lands, they knew that such a contract had existed, because the petitioner was there to assert it, and make his claims, but which the Indians did not then insist upon having cancelled.

That the petitioner may have rendered beneficial services to the Indians, to the state and to himself, may be true; and that he may also, previous to the last session of the legislature, have had a claim upon the bounty and liberality of the state, may likewise be true; but if we may draw an inference from the first several reports of committees on this subject, we shall be led to the conclusion that such claim has been bountifully and amply cancelled. If the Governor knew and approved of the contract and agency of the petitioner with the Indians, he acted as a conservator of the general welfare, to protect the remnant of those who, from their habits and life, and deplorable situation, had claims upon his sympathy, and eminently required the aid of a protecting arm: And if the petitioner had acquired and possessed an undue influence over that remnant of once powerful nations, which he lost the exercise of in the treaty of 1821, or which he forebore to exercise in the treaty of 1823, it is hoped for the honor of our nature, that any claim he may have resting on such a basis, could not, for a moment, be maintained.

In every point of view which the committee have been able to consider this subject, they are of opinion that the bill ought not to become a law. It is proper to remark, however, that in this conclusion the committee are not unanimous.

Ordered, That the said bill and report be committed to a committee of the whole house.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

Mr. Jones, from the select committee to which was referred the petition of sundry inhabitants of the county of Queens, praying that they may be authorised to construct a turnpike road from the village of Hempstead to Bethpage, reported:

That on examining the facts relative to this subject, it appears that the road now used between the villages of Bethpage and Hempstead, is direct in its general course; yet on account of the peculiarity of the soil, the travelling during certain portions of the year, and particularly after heavy rains or frosts, is extremely bad, and sometimes impassable: And also that the road proposed

by the petitioners, passes over a considerable proportion of the Hempstead plain, connecting two considerable villages, and a numerous population, whose increasing necessities require that a permanent road should be established. And it further appears to the committee, that the proposed route will be confined principally to the old road; from which circumstance, it doth seem that no inconvenience or damage can arise to the proprietors of the adjoining lands. The committee are of opinion that the prayer of the petitioners should be granted, inasmuch as by the construction of this turnpike, the public, as well as the inhabitants in that section of country, would derive infinite advantage: They have therefore directed their chairman to ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act to incorporate the Bethpage turnpike company in the county of Queens;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. White, from the select committee to which was referred the petition of sundry inhabitants of the city of Troy, relative to the election of justices of the peace, reported:

That they have had the subject under consideration, and have arrived at the opinion that the prayer of the petitioners ought to be granted, the prayer of the petitioners being founded upon sound republican principles.

Ordered, That leave be given to bring in such bill.

Mr. White, according to leave, brought in the said bill, entitled "An act to elect the justices of the peace in the city of Troy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sanford, from the select committee to which was committed the bill entitled "An act authorising the board of supervisors of the county of St. Lawrence to levy and assess a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river at the village of Ogdensburgh," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. P. C. Fuller, from the select committee to which was committed the bill entitled "An act for the relief of the late treasurer of Livingston county," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act to incorporate the Smithsboro' and Nichols bridge company," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company," and the bill entitled "An act to incorporate the Penisten-kill turnpike road company;" and that the same be referred to a select committee, consisting of the members attending this house from the county of Rensselaer, to consider and report upon the said bills.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to authorise the appraisal of certain damages on the Champlain canal;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of Nathan Underwood;" the said report being that the committee had gone through the said bill, and agreed to the same without amendment.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

In pursuance of previous notice, Mr. Seeley asked for and obtained leave to bring in a bill entitled "An act to alter the time of holding town-meetings in the town of Athens in the county of Greene;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garbutt offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That from and after this week, this house will meet at nine o'clock A. M.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

{AYES 55}
{NAYS 38}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Hazeltine	Mr. Scott
Mr. Bacon	Mr. Dickson	Mr. Hedges	Mr. Seeley
Mr. C. Baker	Mr. Edgerton	Mr. Heermans	Mr. A. Smith
Mr. E. Baker	Mr. Fowler	Mr. Hubbell	Mr. L. Smith
Mr. Baragar	Mr. Franklin	Mr. Hynds	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. Ives	Mr. Tower
Mr. Bogert	Mr. Garbutt	Mr. Jenkins	Mr. P. Van Beuren
Mr. Bostwick	Mr. Goodman	Mr. C. L. Livingston	Mr. Vanderbilt
Mr. Bradish	Mr. Gosman	Mr. Mandeville	Mr. Waugh
Mr. Carley	Mr. Graham	Mr. J. M'Donald	Mr. Wheeler
Mr. Chandler	Mr. Gross	Mr. Noble	Mr. Willey
Mr. Collier	Mr. J. Hall	Mr. Norton	Mr. Williamson
Mr. Dana	Mr. Hammond	Mr. Randall	Mr. Young
Mr. Dean	Mr. Hascall	Mr. Sanford	

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Those who voted in the negative are—

Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Mann	Mr. Sloughter
Mr. Burt	Mr. W. K. Fuller	Mr. Mixer	Mr. H. D. Smith
Mr. Cargill	Mr. Graves	Mr. Morell	Mr. Soper
Mr. Carrier	Mr. W. Hall	Mr. Myers	Mr. Starr
Mr. Davenport	Mr. Holdridge	Mr. Paige	Mr. Tailor
Mr. Dayton	Mr. Hubbard	Mr. Phoenix	Mr. Teller
Mr. Dyckman	Mr. Johnson	Mr. Savage	Mr. Waring
Mr. Dygert	Mr. Jones	Mr. Sill	Mr. White
Mr. Eldridge	Mr. Judd		

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The house then proceeded to the consideration of the resolutions reported by the committee on canals and internal improvements; the same were again read, in the words following, to wit:

Resolved, (if the Senate concur,) That the canal commissioners cause a route of a canal from Rome to the high falls of the Black river, to be surveyed, and estimates of the cost of constructing the same to be made; and also for improving the navigation of the river to Carthage, if they shall be of opinion that the dimensions of the canal as proposed by Mr. Cruger, will not answer, or that the surveys made by him are insufficient for them to report upon.

Resolved, That the canal commissioners cause an examination to be made as to the comparative advantages of inclined planes and locks in overcoming great elevations, the difference of time in passing from one level to another, and of expense of constructing and maintaining them.

Resolved, That the canal commissioners report on the above to the next legislature; also their opinion as to the propriety of adopting inclined planes on the proposed canal; also the probable revenue to be derived from the work, taking into consideration the additional tolls that will be received on the Erie canal; and such other information on the subject as they may obtain, and deem worthy the attention of the legislature.

Mr. Speaker put the question whether the house would agree to the said resolutions, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the preceding resolutions to the Senate, and request their concurrence in the same.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to authorise a special meeting of the board of supervisors of the county of Dutchess," and the bill entitled "An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Palmyra high school in the village of Palmyra in the county of Wayne;" the bill entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," and the bill entitled "An act respecting the salaries of certain judicial officers;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the Palmyra high school in the village of Palmyra in the county of Wayne," was referred to a select committee, consisting of Mr. Armstrong, Mr. Boynton and Mr. Hubbell; the bill entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," was referred to a select committee, consisting of Mr. White, Mr. Eldridge and Mr. Johnson; and the bill entitled "An act respecting the salaries of certain judicial officers," was referred to a select committee, consisting of Mr. C. L. Livingston, Mr. White and Mr. Fowler, severally to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the appointment of inspectors for the Schoharie-kill bridge company;" the engrossed bill entitled "An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren," and the engrossed bill entitled "An act to appoint commissioners to lay out a highway from Fredonia in the county of Chautauque, to the village of Perry in the county of Genesee;" and find the said bills correctly engrossed.

The said engrossed bill, entitled "An act authorising the appointment of inspectors for the Schoharie-kill bridge company," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to appoint commissioners to lay out a highway from Fredonia in the county of Chautauque, to the village of Perry in the county of Genesee," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act relative to the clerk's office of the county of Broome."

"An act to improve a part of the outlet of Chautauque lake for steam-boat navigation."

E. T. THROOP.

Albany, *March* 23, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the Mohawk turnpike company to relinquish a part of their road;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until ten o'clock to-morrow morning.

WEDNESDAY, MARCH 25, 1829.

The House met pursuant to adjournment.

The petition of sundry citizens of the city of Schenectady, praying for an act of incorporation, for the purpose of establishing a school for the education of the coloured population of said city, was read, and referred to the committee on colleges, academies and common schools.

The petition of Thomas Hitchcock, Samuel Holladay and Simon Danforth, of the town of Lenox in the county of Madison, praying for certain legislative relief as set forth in their petition, was read, and referred to the committee on canals and internal improvements.

The petition of Abijah Hunt, of the town of Sterling in the county of Madison, praying certain legislative relief relative to a lot of land purchased by him from a revolutionary soldier, was read, and referred to the committee on public lands.

The petition of sundry inhabitants of the county of Rensselaer, praying for the incorporation of a company for the purpose of constructing a turnpike road from Troy through the village of Lansingburgh to the town of Bennington in the state of Vermont, and for the appointment of commissioners to alter and improve the present road from Troy to Bennington, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The remonstrance of sundry inhabitants of the counties of Livingston and Allegany, against the repeal of the law authorising the construction of a dam in the Genesee river at Mount Morris, and the documents accompanying the same, were read, and referred to the select committee on that subject, of which Mr. Skinner is chairman.

The remonstrance of sundry inhabitants of the village of Rochester, against the passage of a law to incorporate said village into a city, was read, and referred to the committee on the incorporation of cities and villages.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies. to whom were referred the petitions of inhabitants of the counties of Greene, Schoharie and Montgomery, reported:

That the petitioners are praying for aid from the state, or for an act of incorporation, to construct a rail-road from the village of Canajoharie in the county of Montgomery, to the village of Catskill in the county of Greene. They represent that the distance from the first mentioned place to the latter, on the proposed route, would be very much diminished; therefore it is a sufficient reason for the construction of a rail-road, in order to afford them greater facilities in transporting their products to market.

The practical operations and advantages arising from rail-roads, are not sufficiently understood, to be recommended to be constructed at the public expense.

To that part of the petition which suggests the propriety of the state becoming interested in the manner contemplated by the petitioners, the committee do not discover how the state would be the gainer by undertaking the construction of a rail-road, which, if any business was done upon it to warrant the public in its expenditure, must be diverted from the Erie canal at Canajoharie, which certainly does not present so favorable a view to increase the revenue of the state, as to sustain itself for a moment's reflection. In the closing of navigation in the fall of 1827, which was realized sooner than anticipated, no doubt but what a large amount of the produce of the west was locked up for the winter, or was, by an increase of extraordinary exertions and expense, forwarded to a market; which was one of the principal reasons why the public mind was called to the subject of a canal on the north side of the Mohawk, and at present substituted by the petitioners with a project of this contemplated rail-road.

To remedy this evil, which will sometimes happen, various plans have been suggested, and have been the subject of general inquiry; but no plan has as yet been suggested, that would completely remove the impediments, in which the advantages resulting from it would be commensurate with the expenses. Double locks on this part of the canal, have been the subject frequently spoken of; damming and locking the Mohawk, has been another; and no doubt, if difficulties should continue to multiply, or the present ones be of such magnitude as to be oppressive upon community, the state, by its authorised agents, will afford relief in some way, that the interests of the state will justify, and afford that facility to those inhabitants which their necessities require.

The state have been at great expense in constructing the Erie canal through the valley of the Mohawk; and taken in connexion with improvements made at the expense of the state in the Hudson river, it could hardly be supposed that she should still be called upon to make further appropriations to relieve its citizens residing either in the county of Montgomery or Greene. This portion of our citizens cannot reasonably complain, from their secluded situation, in relation to the means afforded them for the transportation of their products to market.

As to that part of their petition, praying an act of incorporation to construct a rail-road, there could be no objection, unless it might be the means of diverting property which might otherwise seek its way on your already made canal. Should there be danger from this result, it certainly should not be granted; but if this would be only imaginary, then the act of incorporation to individuals would do no harm. Now the question arises, if the legislature should grant the favour, would it ever be carried into effect? The committee cannot conceive where individuals can be found, who would invest sufficient funds to perfect at an expense so great as this would be, to construct the contemplated rail-road.

Under all the circumstances connected with this application, the committee would not feel justified in taking up the time of the house, at so late a period of the present session, by introducing a bill; therefore they recommend the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petitions.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to whom was referred the petition of the Watervliet turnpike company, reported:

That this company was incorporated at the last session of the legislature, to construct a road upon an improved plan between the cities of Albany and Troy, at an expense estimated at about thirteen thousand dollars per mile; of which the stock of the said company is understood to be subscribed by gentlemen possessing the means, and prepared to commence operations as soon as some difficulties which arose from the locating of the same, are obviated. It may be proper for the committee to observe, that this bill was introduced in the early part of the present session; since which, remonstrances have been presented, and the committee of the whole was discharged from the same, and the bill and accompanying documents referred back to the committee, for the purpose of examining into the merits of the subject: since which, the persons interested in the enterprise have made such arrangements among themselves, as has given all parties satisfaction. The committee have therefore amended the said bill, and now ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act concerning the Watervliet turnpike company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Cooperstown in the county of Otsego, praying for a certain amendment to the act incorporating that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Gibbonsville in the county of Albany, praying for certain amendments to their charter in relation to the granting of licenses, and also relative to their firemen, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Constable in the county of Franklin, praying for a division of that town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Constable;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Clymer in the county of Chautauque, praying for a division of said town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Clymer in the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Kirkland, praying that part of the town of Westmoreland may be annexed to to Kirkland, and sundry remonstrances against the same, reported:

That they have had the same under consideration, and it appears to the committee that the two towns are about equal in territory and population, and that neither of them is so large or populous as to create any inconvenience in transacting their town business. The petitioners ask that all that part of the town of Westmoreland lying south of a line drawn due west from the east corner of lot No. 11, should be annexed to the town of Kirkland; but the petitioners have not furnished the committee with any map, and they have no means of knowing what part of the town of Westmoreland would be comprised in the prayed for division. They recommend to the house the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Hopkinton, praying for an alteration of their town lines, reported:

That they have had the same under consideration, and inasmuch as the petitioners have furnished no evidence that the requisite notices were given, they recommend to the house the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. P. Van Beuren, from the committee on medical subjects, on the petition of Hiram Page of the county of Seneca, asking permission to practise as a cancer doctor, reported:

That they have bestowed that reflection on the subject which the nature of the application seems to demand; and in coming to the conclusion which accompanies this report, deem it proper to state briefly some of the reasons by which they have been governed. It appears from the representation of the petitioner himself, that he is not educated to the profession of physic, neither does he now wish to enter into the practice of that profession. His object is, to obtain permission to address himself singly to the cure of certainly one of the many inveterate diseases "which flesh is heir to." The committee are disposed to do all within the scope of their power, consistent with the safety and welfare of the public, to encourage and reward the discoveries and inventions of individuals. But in entertaining this disposition, they do not feel warranted in granting exclusive privileges to every individual who pretends to have made an important discovery; particularly when the privileges sought to be connected with that discovery, are such, as in their application will not only affect the health, but the lives of mankind. The committee have no satisfactory evidence of the nature or properties of this remedial agent of the petitioner, and consequently cannot speak of its efficacy in the removal of cancer. They assume the ground, however, that so obstinate a disease can only be cured by the assistance of a very powerful remedy. And as powerful medicines administered in improper cases and in undue quantities, become poisons in their operation on the human system, they deem it at least dangerous to trust their prescription to such as have evinced no qualification to judge of their "modus operandi." It must be conceded by all, that a person unacquainted with the structure and organization of the human system, cannot, "ceteris paribus," be so competent to judge of the effects of medicines addressed to that system, as another, whose investigations have been directed to that object. In addition to these disadvantages, the petitioner must necessarily labor under another which, though before adverted to, it may be proper to state more distinctly.

It is known to a part of the committee, that there are many local affections bearing so close a resemblance to cancer, that it requires some degree of professional discernment to discriminate their particular characters. And as errors from want of discernment must frequently happen to him who is not conversant with the aspects of different local diseases, the committee are of opinion, that the barriers which have been erected to guard the public from the pernicious effects resulting from such errors, should not lightly be encroached upon. A further reason that has operated on the minds of the committee, in guiding them to their conclusion, is, that by granting this petition, a precedent is established, and the way is paved for the introduction of an almost infinite number of applications of a similar nature. In conclusion, the committee will remark, that, inasmuch as the petitioner can, if he adduces evidence of the intrinsic value of his discovery, obtain from another source all the advantages which he can expect to derive from a special act for his relief, they deem it inexpedient to legislate on the subject; and under this impression, offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Chandler, from the committee on the erection and division of towns and counties, to which were referred the petitions of sundry inhabitants of the towns of Bovina, Middletown and Roxbury, in the county of Delaware, praying for the passage of a law to annex parts of the towns of Roxbury and Middletown to Bovina, and the remonstrances of sundry inhabitants of said towns against the passage of such a law, reported for the consideration of the house, a resolution in the words following, to wit:

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dygert, from the committee on the erection and division of towns and counties, on the several petitions of sundry inhabitants of the towns of Kirkland and New-Hartford, in the county of Oneida, to annex a part of Kirkland to New-Hartford, and the petition of sundry inhabitants of the town of New-Hartford, to annex a part of said town of New-Hartford to the town of Kirkland, in said county, reported:

That the committee have had the said petitions under their consideration, and can see no good reason for granting the prayer of the petitioners; and they offer the following resolution for the consideration of the house:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Williamson, from the select committee to which was referred the petition of sundry inhabitants of Suffolk county, praying for the passage of a law for the appointment of inspectors of wood in said county, reported:

That the petitioners state that they have for a great length of time experienced considerable inconvenience, and in many instances losses, from a want of uniformity in the measurement of wood exported from the said county: That a practice has prevailed to a considerable extent, of cutting such wood into different and unequal length; and of putting together, when piled up for sale, that of an inferior kind with that of a better quality, in such a manner as to conceal the more unsaleable part from the notice and view of the purchaser: That these practices operate hard upon those who always wish to deal with fairness and candor in these respects, and demand a remedy, by subjecting all wood intended for fuel and for exportation, to the inspection of men appointed by law for that purpose, by whom the interests of both buyer and seller will be more likely to be protected, and that article placed upon a better footing in the market to which it may be conveyed. The committee ask leave to introduce a bill in accordance with the prayer of the petitioners.

Ordered, That leave be given to bring in such bill.

Mr. Williamson, according to leave, brought in the said bill, entitled "An act for the inspection of wood in the county of Suffolk;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Palmyra high school in the village of Palmyra in the county of Wayne," reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

Ordered, That the said bill be read the third time.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act respecting the salaries of certain judicial officers," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house, when on the bill entitled "An act for the payment of certain officers of government."

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river;" the bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 7th, 1807;" the bill entitled "An act to authorise the sale of subdivision num-

ber four of lot number ninety in the town of Lansing in the county of Tompkins;" the bill entitled "An act confirming the reports of the trustees of certain school districts in this state;" the bill entitled "An act authorising the trustees of the German reformed sanctity church to sell certain real estate;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca;'" the bill entitled "An act to alter the name of the town of Clifton in the county of Saratoga;" the bill entitled "An act relative to the city of Hudson;" and the engrossed bill from the Senate, entitled "An act relative to the county courts of the county of Onondaga."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river," be referred to a select committee, consisting of Mr. Phœnix, Mr. Graves and Mr. Sheppard; that the bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 7th, 1807," be referred to a select committee, consisting of Mr. Cargill, Mr. C. L. Livingston and Mr. J. Van Beuren; that the bill entitled "An act to authorise the sale of subdivision number four of lot number ninety in the town of Lansing in the county of Tompkins," be referred to a select committee, consisting of Mr. Dana, Mr. Dean and Mr. Gosman; that the bill entitled "An act confirming the reports of the trustees of certain school districts in this state," be referred to a select committee, consisting of Mr. Skinner, Mr. J. M'Donald and Mr. Chandler; that the bill entitled "An act authorising the trustees of the German reformed sanctity church to sell certain real estate," be referred to a select committee, consisting of Mr. P. Van Beuren, Mr. Holdridge and Mr. H. W. Livingston; that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca,'" be referred to a select committee, consisting of Mr. Bostwick, Mr. Scott and Mr. Dana; that the bill entitled "An act to alter the name of the town of Clifton in the county of Saratoga," be referred to a select committee, consisting of Mr. Mandeville, Mr. Waring and Mr. Wheeler; that the bill entitled "An act relative to the city of Hudson," be referred to a select committee, consisting of Mr. Holdridge, Mr. P. Van Beuren and Mr. Austin; and that the engrossed bill from the Senate, entitled "An act relative to the county courts of the county of Onondaga," be referred to a select committee, consisting of Mr. L. Smith, Mr. Matthews and Mr. J. Hall; to be by the said select committees severally reported complete.

In pursuance of previous notice, Mr. Hazeltine asked for and obtained leave to bring in a bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Randall asked for and obtained leave to bring in a bill entitled "An act to alter the law in relation to courts of general sessions in the county of Montgomery;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the documents accompanying the bill entitled "An act for the relief of John Sargeant," be printed for the use of the legislature.

Ordered, That the bill entitled "An act concerning the Watervliet turnpike company," be restored to the same number on the general orders of the day, which it occupied previous to its recommitment to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

Mr. J. Hall gave notice that he would, on some future day, ask leave to introduce a bill to reduce the fee for pumping salt water in the town of Salina, and also to reduce the fee of the inspector of salt in said town.

Mr. Hascall gave notice that he would, on some future day, ask leave to introduce a bill to extend the gaol liberties of the respective counties in this state, to the lines of said counties.

Mr. H. W. Livingston gave notice that he would, on some future day, ask leave to introduce a bill to amend the act entitled "An an act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,'" passed April 5th, 1828.

Mr. Paige gave notice that he would, on some future day, ask leave to introduce a bill relative to the common schools in the city of Schenectady.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising the Mohawk turnpike company to relinquish part of their road;" the said report being that the committee had gone through the said bill, and agreed to the same without amendment.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

A communication from the comptroller, was read, in the words following, to wit:

COMPTROLLER'S OFFICE,
Albany, *March* 24, 1829.

The comptroller, in obedience to a resolution of the honorable the Assembly of the 19th instant, directing him to report to that house "a statement of the several items for which the money received by the health commissioners in the city of New-York (for the use of the Marine hospital in that city) has been expended, so far as the vouchers rendered to his office will enable him to set forth the same, for the year ending the 31st December, 1828," respectfully reports:

That the annexed statement furnishes that information, so far as it can be given without making entire copies of all the vouchers, which, as will readily be seen by examining this digest of them, are very numerous. It is believed, also, the information to be derived from this exhibit of these expenditures, will be at least equally if not more useful for all the purposes of legislation, than full length copies of the original vouchers on file would be. The amount appearing upon the abstract is that for which vouchers have been rendered to this office, and passed upon as sufficient. The whole amount which, it appears by the return of the commissionors, they have received during the past year, is $41,196.53. In examining the vouchers mentioned upon the schedule hereto annexed, it is found that they cover an amount greater by 60 cents, than the commissioners had credited themselves for in their abstract of them. With this exception, these vouchers are regular. To make the amount of money returned as received, one voucher for the sum of $310.75, is suspended as insufficient, but will probably be returned with the proper receipt annexed, so as to balance the general abstract of the commissioners, and to complete their account for the monies thereby appearing to have been received. Yet, as that much of their account has not been audited and passed, the comptroller has not supposed it proper to report this voucher to the legislature under the resolution. There is also another subject involved in the settlement of the accounts of the health commissioners, which the comptroller avails himself of this opportunity to suggest to the legislature.

During the past year there has been collected by the health commissioner, as appears by the accounts of the commissioners of health, rendered to this office, the sum of $1.073.50, from the masters of coasting vessels, pursuant to the directions of the 7th section of title 4 of chapter 11 of the revised statutes of this state. The 8th section of the same title gives to the health commissioner a commission of $2\frac{1}{2}$ per cent. for collecting this money, but provides for no other allowance to him or any other person for this service. He has employed the clerk of the common council of the city of New-York to make these collections, and the clerk has charged 10 per cent. upon the monies collected, which has been allowed to him by the commissioners of health, and is passed by them to

their credit in their accounting for the "hospital monies." This payment by them, the comptroller does not consider himself authorised by any existing law to allow in the settlement of their account, and therefore that item has also been suspended. Some other expenditures, also, from these monies, collected from masters of coasting vessels, the vouchers for which have been sent with the other accounts of the commissioners of health, are not allowed, but remain suspended at the request of the commissioners, for further explanation. These latter items, however, are not embraced in the general account rendered by the commissioners. but are contained in a separate abstract relating solely to the collections from coasting vessels. Their allowance or rejection, therefore, will not change the balance of that account as rendered, although the decision upon these vouchers involves their amount in the expenditure of these monies.

There is no doubt of the power to allow $2\frac{1}{2}$ of the 10 per cent. charged for the collection of this $1,073.50 from coasting vessels; but beyond that, it is believed no existing law will authorise the comptroller to go. The health commissioner alleges that no money from this source has ever before been realized by the hospital, and that the collections from coasters are so very difficult, that they cannot be made at a less rate per cent. than that charged; that all the commission charged has been actually paid for collecting this money, and that not one cent has been received by him for that collection; that if a commission at least equal to 10 per cent. cannot be allowed for future collections from these vessels, the result will be what it has formerly been, that no money from this source will be received. The comptroller finds from examination of former accounts of monies received for the Marine hospital, that nothing appears to have been realized from coasting vessels, although the provisions of the law have been precisely the same they now are, for several years. He has himself no knowledge of the necessary trouble and expense of making these collections, but is informed that one attempt has formerly been made to collect this contribution from coasting vessels, which was abandoned as being necessarily more expensive than the provisions of the law would remunerate. Under these circumstances, the propriety of making some further allowance for collecting these monies in future, as well as of authorising the comptroller to audit and allow the 10 per cent. charged upon the monies collected the past year, is respectfully submitted to the legislature.

SILAS WRIGHT, Jr.

[*For pages* 823 *to* 842 *inclusive, see* Tables, (Sig. W. Y.)]

Statement of expend

JANU

DATE.	No. of Voucher	PERSONS' NAMES.	
1827, Dec. 4, 7, 9,	1	Peter Crawbuck,.....	Fresh beef, .
Oct. to Dec.	2	Samuel Wood, ...	Blacksmith's
1828, January 31, .	3	Wages bill, ...	Farmer and

Statement of expend[itures] [by] Smith Cutter, Health Commissioner, during the year ending 1st January, 1829.

JANU[ARY]

DATE.	No. of Voucher	PERSONS' NAMES.		AMOUNT.	TOTAL.
1827, Dec. 4, 7, 9,	1	Peter Crawbuck,	Fresh beef,	24 58	
Oct. to Dec.	2	Samuel Wood,	Blacksmith's w	6 00	
1828, January 31, .	3	Wages bill,	Farmer and st[eward] 20,	130 00	
					$160 58

FEBRU[ARY]

February 25,	1	Samuel Wood,	Iron and black	16 65	
" 29,	2	Wages bill,	Same as Janu	130 00	
1824, May 25,	3	Estate of C. Racey,	One barrel of [co]ffin,	7 00	
1828, March 1,	4	New York Hospital,	Board and att[endance]	115 72	
February 13,	5	Ralph Olmstead, Treasurer,	House of Ref[uge]	1000 00	
					1269 37

MAR[CH]

1827, Dec. 3, 16, 20	1	John De Forest,	Boards, joists,	14 95	
1828, March 31, ..	2	Jno. S. Westervelt,	One quar. sal[ary]	375 00	
" ..	3	Wages bill,	Same as befo[re]	130 00	
" ..	4	Jno. E. Miller,	One quar. sala[ry]	50 00	
" ..	5	Jno. T. Harrison,	" "	112 50	
" ..	6	Smith Cutter,	Services as Ag[ent]	182 00	
22, ..	7	Phœnix Fire Insurance Com.	Premium on ho[use]	90 37	
18, ..	8	Peny & Co.	Patent steam w[ork]	12 00	
April 2,	9	Richard L. Walker,	One quar. salar[y]	250 00	
"	10	Joseph Bailey,	" "	250 00	
March 4,	11	R. Olmstead,	House of Refu[ge]	1000 00	
25,	12	St. Andrew's Church,	Building a Chu[rch]	1000 00	
					3466 82

APR[IL]

April 30,	1	Wages,	{ Steward and farmer ea[ch] / each $10; cook $10; $30; two nurses,	280 00	
"	2	Daniel Simonson,	Straw, clover	9 00	
"	3	Abm. Simonson,	Shad 200, a $[1] d, &c.	20 63	
29,	4	John E. Thompson,	Sugar, tea, bu[tter] eer, cand.	11 34	
all,	5	Keteltas & Journeoy,	Same; also ru[m]	20 86	
30,	6	John E. Miller,	One month's s[alary]	16 67	
February 23,	7	A. G. Dixon,	One cord of w[ood]	7 50	
Jan. 15, and all April,	8	W. S. Root,	Long bill of gro[ceries] ine, &c.	35 32	
May 1,	9	J. T. Harrison,	One month's sa[lary]	37 50	
"	10	J. S. Westervelt,	" "	125 00	
Mar. 31, to April 16,	11	Jos. Bailey,	Sixteen days [work]	44 38	
Mar. 31, to April 22,	12	E. L. Walker for R. L. Walker	Twenty-eight [days]	77 99	
April 16 to 30,	13	J. R. Manly,	Fifteen days sa[lary]	41 00	
28,	14	Smith Cutter,	Twenty-eight [days]	56 00	
Nov. 8, to April 9,	15	Peter S. Wendell,	Iron and black [work]	26 12	
April 2,	16	C. Williams,	2 bbls soft soap	5 18	
28,	17	John Montgomery,	Paper, printing a[nd]	6 00	
"	18	Green & Wetmore,	2 shovels and 2 h[oes]	3 38	
1,	19	Curry, Hunt & Randolph,	2 casks (suppose[d]	6 00	
2,	20	Abm. Frost,	4 loads wood and[d]	9 00	
9,	21	H. E. Ingraham,	Wood saw, a[nd] me 1829,	5 06	
30,	22	North River Insurance Com.	Ins. on $15,00[0]	60 00	
5,	23	R. Olmstead, Treasurer,	Surplus monie[s]	2000 00	
17,	24	Joseph Taylor.	19¾ cords of o[ak]	98 75	
					3002 68

MA[Y]

May 31,	1	Wm. M. Lyman,	80 bush. sand	13 00	
June 2,	2	David Hawthorn,	Mason work, &	12 62½	
May 29,	3	Murray & Barnet,	8½ days blowin	12 75	
31,	4	Geo. Avery,	Willow baskets	4 00	
"	5	John Garrison,	17 days work,	17 00	
Ap. 3, 16, 27,	6	Peter Crawbuck,	Beef,	14 01	
May 31,	7	John E. Miller,	One month's sa[lary]	16 67	
"	8	Peter Van Pelt,	19 days work,	19 00	
"	9	Stephen Wood,	" "	19 00	
"	10	C. N. Baldwin,	Printing 2000 [per.]	26 50	
29,	11	E. Dougherty,	6 yds. muslin a[t]	1 19	
	12	David Degroot,	One milch cow,	25 00	
31,	13	Joseph Simonson,	19 days work,	19 00	
"	14	Neil Hinds,	Tin and copp[er] six nurses and	11 62½	
"	15	Wages,	{ Farmer and steward $2[5] / cooks, $10, 3,	310 00	
"	16	New-York Hospital,	Boarding and a[t]	76 25	
February 26,	17	Charles Fountaine,	Repairing wood[work]	14 50	
April 17,	18	Wm. Blake,	Doctoring two h[orses]	14 00	
May 29,	19	E. Conrad,	Printing 200 bill[s]	4 50	
28,	20	Chas. Dobbs,	96 loads horse [manure]	60 00	
31,	21	John Montgomery,	Bill of stationa[ry]	37 87	
5, 14, .	22	Curry, Hunt & Randolph,	Clover-seed, &	9 60	
31,	23	R. C. Montgomery,	6 chamber pails	12 00	
13,	24	Isaac Graham & Son,	Bill of crockery	75 00	
February 26,	25	John Wandel,	One wheel for c[art]	11 00	
May 26,	26	Thos. Standerwick,	17½ days painti[ng]	23 00	
7,	27	E. Williams,	5 bbls. soft soap	12 50	
21,	28	J. & J. Bunting,	Bill of pump-wo[rk]	74 00	
31,	29	H. E. Ingraham,	Knives and fork[s]	21 25	

MAY, (Continued.)

DATE.	No. of Voucher	PERSONS' NAMES.	FOR WHAT PURPOSE PAID.	AMOUNT.	TOTAL.
1828, May 30,	30	Randolph & Brooks,	Wine, spirits, tea, sugar, rice, barley, coffee and ale,	125 57	
"	31	Smith Cutter,	Long bill of drugs and medicines,	139 93	
24,	32	Gove & Robinson,	144 sash lights,	17 75	
28,	33	Samuel Wood,	Iron and blacksmith work,	14 60	
31,	34	James Bradley,	720½ lbs. beef,	36 03	
"	35	John Fontaine,	Long bill of (sup'd.) carpenter work,	138 28	
June 1,	36	Anthony Fontaine, jr,	Chickens, meat and lamb,	8 41	
All May,	37	A. G. Dixon,	Long bill of groceries and crockery,	53 54	
31,	38	Chs. H. Havens,	One month's salary as Mate of Marine Hospital,	125 00	
All May,	39	Wm. S. Root,	Long bill of paints, hardware, &c.,	50 99	
1827, November,	40	Henry Dlisler,	Bill of bread and crackers,	47 42	
	41	Sarah Williams,	Making 500 sheets,	75 00	
1828, June 1,	42	Mrs. Adriance,	Thread for making sheets,	3 50	
	43	J. C. Redmond & Co.,	One wheel-barrow,	6 25	
	44	Alex. Anderson,	Stamp for Marine Hospital,	10 00	
May 29,	45	Jos. C. Taylor,	21 cords wood,	105 00	
June 26,	46	A. N. Hoffman,	One cask of London Brown Stout,	23 00	
4,	47	J. R. Manley,	One month's salary,	83 33	
14,	48	Steam-bts Nautilus & Bolivar	Freight for one year,	100 00	
May 31,	49	Laverty & Gantley,	Blankets, linen, duffle russ. sheeting, &c.,	1031 17	
24,	50	J. & J. Bunting,	Advance on contract for Bulkhead,	500 00	
June 21,	51	Geo. Jamieson,	On contract for building wells and filling do.	300 00	
July 7,	52	Corns. Dubois, Treasurer,	Surplus monies to House of Refuge,	1500 00	
June 28,	53	J. & J. Bunting,	On Contract for Bulkhead,	500 00	
"	54	Michael Allison,	30 hard wood bedsteads,	150 00	
					6111 61

JUNE.

June,	1	Wages,	{ Farmer $25; steward $30; four boatmen, gardner and orderly $30; two gate-keepers $20 / each; washer $20; 7 nurses and cooks $10 and one $5,	370 00	
30,	2	Joseph Simonson,	13½ days' work,	14 38	
"	3	Peter Van Pelt,	13¾ "	15 00	
"	4	Elias Butler,	5 " on the dock,	6 25	
"	5	John Garrison,	11½ "	12 25	
"	6	John Van Duzer,	348 loaves of bread,	40 00	
"	7	Arthur Simonson,	23 day's work,	23 00	
"	8	Peter Roff,	46 lbs. fish,	2 87	
"	9	J. E. Miller,	One month's salary as Chaplain,	16 67	
July 1,	10	Robt. Thompson,	Cooper's work,	6 25	
May 30,	11	Abm. Bud,	4½ day's work,	4 50	
31,	12	C. Van Buskerk,	Butter, eggs, oil, candles, tea, soap, pepper, &c.,	8 34	
June 30,	13	" "	" " " " "	5 78	
"	14	John Fontaine,	Carpenter work,	61 62	
May & June,	15	R. M. Bedell,	Tubs and firkins of butter,	40 24	
June 9 to 26,	16	J. Fontaine,	Carting dirt,	9 37	
April 23,	17	Nathaniel Briton,	19½ lbs. veal,	1 22	
June 30,	18	James Bradley,	843 lbs. beef,	42 15	
All June,	19	Wm. S. Root,	Bill of paints, hardware and groceries,	13 90	
"	20	D. Denyie,	Long bill of do. and window-glass,	42 00	
"	21	Anthony Fontaine,	Bill of butcher's meat,	21 96	
27,	22	Randolph & Brooks,	Rum, brandy, ale, oil, sugar and tea,	92 34	
July 1,	23	C. V. B. Corsen,	235 chesnut posts,	51 40	
May & June,	24	P. S. Wandel,	Iron and blacksmith work,	13 00	
June 30,	25	Chs. H. Havens,	One month's salary,	125 00	
28,	26	William Spies,	One ensign, 12 by 8 feet,	9 00	
May 10,	27	W. & E. Delamontagnie,	Boat work,	6 73	
June 4,	28	C. Williams,	6 bls. soft soap, and bls.,	15 00	
2,	29	D. Klaubergh,	Scarificator, and sharpening case of Inst.,	6 18	
30,	30	Jas. H. Ward,	One month's salary as agent for health comm'rs.	60 00	
July 23,	31	Patrick Woodworth,	44 sq. logs, & 45 round timber for wharf & bulk h'd,	431 12	
18,	32	Geo. Jamieson,	Filling in earth at quarantine ground,	100 00	
31,	33	Smith Cutter,	Serv. as health com. from 28 April to 31 July, inclus.	258 21	
26,	34	John Anderson,	For repairs, &c. to quarantine dock,	150 00	
19,	35	" " "	" " "	100 00	
31,	36	M. Allison,	Bedsteads,	200 00	
26,	37	J. & J. Bunting,	On contract for bulkhead,	500 00	
"	38	Geo. Jamieson,	Filling in at quar. ground,	100 00	
3,	39	J. R. Manley,	One month's salary res. physician,	83 33	
June 6,	40	Cors. Du Bois, Treasurer,	Monies paid to House of Refuge,	900 00	
July 3,	41	John Fontaine,	On contract for building barn,	400 00	
11,	42	John S. Anderson,	Wharf repairs done by his father,	200 00	
					4559 06

JULY.

July 31,	1	Wages,	{ Farmer, $25; Steward, Orderly, 4 Boatmen, Gardner, $30; Washer, and 2 gate-keep. $20; / Attendant, $5; 8 Nurses, Cooks and Assistants, $10.	380 00	
"	2	J. E. Miller,	One month's salary as Chaplain,	16 67	
"	3	Chas. H. Havens,	" " Mate,	125 00	
14,	4	E. & G. W. Blunt,	One spyglass,	16 00	
31,	5	J. T. Harrison,	One quar. salary as Physician,	112 50	
29,	6	C. N. Baldwin,	Printing 3,300 permits for June and July,	40 00	
31,	7	Robt. M. Bedell,	Tub, and firkins butter,	33 62	
1,	8	Jas. Bradley,	1,802 lb. beef,	90 10	
23,	9	Peter Van Pelt,	11¼ days work on wharf, &c.	13 50	
24,	10	Jos. Simonson,	13¼ do do	17 25	

[Sig. W.]

th Cutter, Health Commi

SEPT

T.	TOTAL.	DATE.	No. of Voucher	PERSONS' NAMES.
3		1828, Aug. & Sept.	18	Neil Hindes, ...
0		Septem. 28,.	19	G. Deforest,.....
		October 31, .	20	John G. Rhor, ...
		29, .	21	George Jamieson, ...
		Septem. 9,..	22	John Anderson,.....
		24,..	23	Farnham & Pollard, ...
		July 5 to 31,.	24	John V. Fountain,.....
		October 31, .	25	Egberts & Atwood, ...
		20, .	26	Joseph Graham,.....
		4, .	27	J. & J. Bunting, ...
		3, .	28	John Anderson,.....
		"	29	James R. Manley, ...
		13, .	30	Egberts & Atwood,.....
		6, .	31	John Rhor, ...
		Sept. & Oct.	1	John Deforrest, ...
		October 29, .	2	Thomas Standerwick,....
		July, August, September, Oct.	3	C. Williams, ...
		ober 29,.	4	J. V. Fountain .....

June and...

Statement of expenditures by Smith Cutter, Health Commissioner, (Continued.)

JULY. (Continued.)

DATE.	No. of Voucher	PERSONS' NAMES.	FOR WHAT PURPOSE PAID.	AMOUNT.	TOTAL.
1828, July 24, ...	11	Elias Butler, ...	8½ day's work on wharf, &c.	10 63	
25, ...	12	Abm. Bird, ...	Boat hire for transporting stone, ...	3 00	
June & July,	13	Henry Drisler, ...	689 loaves of bread, ...	79 50	
June, ...	14	Neil Hinds, ...	Tin and coppersmith work, ...	7 06	
July 19, 21,.	15	Chs. Trender, ...	Plank, boards, timber and shingles, ...	50 44	
June & July,	16	Samuel Woods, ...	Iron and blacksmith work, ...	39 20	
April, May, June, and July,	17	John De Forrest, ...	Timber, plank, boards, logs and brick, ...	179 50	
July, ...	18	Wm. S. Root, ...	Hardware, arrow root and salt, ...	13 44	
May, Ju. July	19	A. G. Dixon, ...	Long bill of groceries, hardware and crockery, ...	51 78	
July, ...	20	Randolph & Brooks, ...	Wine, molasses, porter, ale, spirits, sugar, soap, candles, rice, barley and oil.	123 61	
31, ...	21	D. Klaubergh, ...	Repairing amputation instruments, ...	4 50	
"	22	J. W. Ward, ...	One month's salary as agent, ...	60 00	
August 7, ...	23	John Fontaine, ...	Bal. in full for building barn, ...	339 50	
" ...	24	Cors. Du Bois, ...	Surplus monies for House of Refuge, ...	1000 00	
8, ...	25	P. S. Wandall, ...	Iron work for the wharf, ...	83 00	
1, ...	26	John Anderson, ...	Repairs of do. wharf, ...	200	
2, ...	27	J. & J. Bunting, ...	On contract for Bulkhead, ...		
" ...	28	J. R. Manley, ...	One month's salary, ...		
16, ...	29	John Anderson, ...	Repairs of wharf, ...		
9, ...	30	"	do. and driving piles, ...		
23, ...	31	Jamieson & Graham, ...	Filling in Bulkhead, ...		
15, ...	32	Benj. Brown, ...	60 tons of stone for do.		
6, ...	33	"	180 do do		
9, ...	34	Jam...	...Bulkhead		
23, ...	35				
June and Ju...					

SEPTEMBER, (Continued.)

DATE.	No. of Voucher	PERSONS' NAMES.	FOR WHAT PURPOSE PAID.	AMOUNT.	TOTAL.
1828, Aug. & Sept.	18	Neil Hindes, ...	Tin and coppersmith work, ...	7 16	
Septem. 28,.	19	G. Deforest, ...	Painting 38 pair window frames, & 18 pair shutters, .	15 00	
October 31, .	20	John G. Rhor, ...	On contract for small pox hospital, ...	1000 00	
29, .	21	George Jamieson, ...	Filling in Bulkhead, ...	200 00	
Septem. 9,..	22	John Anderson, ...	Order payable to John Burdett, and paid to him, ...	186 75	
24,. .	23	Farnham & Pollard, ...	Amount certified by Dep. Comp. of an error in their acct. against comm'rs. in 1827,	21 93	
July 5 to 31,.	24	John V. Fountain, ...	Bill of carpenter work, ...	22 87	
October 31, .	25	Egberts & Atwood, ...	On acct. of small pox hospital, ...	200 00	
20, .	26	Joseph Graham, ...	Blasting 2,570 inches of rock, ...	102 80	
4, .	27	J. & J. Bunting, ...	On acct. of building Bulkhead, ...	650 00	
3, .	28	John Anderson, ...	On acct. of dock and pier, ...	200 00	
"	29	James R. Manley, ...	One month's salary, ...	83 33	
13, .	30	Egberts & Atwood, ...	Small pox hospital, ...	600 00	
6, .	31	John Rhor, ...	do do		

OCTOBER.

Sept. & Oct.	1	John Deforrest, ...	Shingles, boards, plank and timbe...		
October 29, .	2	Thomas Standerwick, ...	Bill of painting, ...		
July, August, September, October,	3	C. Williams, ...	Bill of soap		
	4	J. V. Fountain, ... ober 29, .			

Ordered, That the said communication be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

A communication from the Regents of the University, was read, in the words following, to wit:

TO THE HONORABLE THE ASSEMBLY OF THE STATE OF NEW-YORK:

The Regents of the University, in compliance with a resolution of the honorable the Assembly of the 18th of March, 1829, requesting them to report "what sums of money have been realized and paid over to the institutions interested in the lotteries, granted by an act for the promotion of literature, passed April 13, 1814; and what reports have been made to the Regents by the said institutions, in pursuance of section 6 of the act entitled 'An act to limit the continuance of lotteries,' passed April 5, 1822," report:

That they have no documents in their possession from which they can ascertain with satisfactory certainty, what sums of money have been realized and paid over to the institutions interested in the lotteries, granted by the act of April 13, 1814. But as to what reports have been made to them by the said institutions, in pursuance of section 6 of the act entitled "An act to limit the continuance of lotteries," passed April 5, 1822, they are enabled to communicate the following information.

From the annual report of the trustees of Union College, made to the Regents of the University on the 1st day of March, 1824, it appears that the institutions concerned in the lotteries referred to in the said acts, had entered into a contract with John B. Yates and Archibald McIntyre, for the drawing of the whole lottery, and had taken their obligation for the amount stipulated; that the obligation so taken, had "been reduced $28.817.96; that no part of that amount had been applied to any appropriations made to Union College, but wholly to appropriations made to other institutions interested in said lottery."

From a report of the trustees of said college, dated on the 28th day of July, 1821, but received by the Regents in March 1825, it appears that the said trustees had purchased the "right of the several public institutions in the Literature lottery," and that they had taken the obligation of Messrs. Yates & McIntyre, in behalf of the said institutions, for $276.090.14, which had, by sundry payments, been reduced to the sum of $235,467.13; all which payments had been applied towards the extinguishment of the claims of the other institutions.

In the annual report of said college, received by the Regents on the 10th of March, 1827, the trustees state, that "the original obligation given in behalf of the institutions interested in the Literature lottery, for $276,090.14, by Messrs. Yates & McIntyre, had, by sundry payments, been reduced to $143,516.58; which payments had been applied, in part, to the cancelling of the claims of other institutions, and in part to the payment of the debts otherwise owed by Union College."

In their report dated on the 31st of January, 1828, the trustees report that no further cash payments had been made to them by Messrs. Yates & McIntyre, but that the interest on the $20,000, due by the trustees of Union College to the trustees of the College of Physicians and Surgeons in New-York, had been paid by the said contractors, who had become obligated to pay the principal also; but until it should be paid, the trustees of Union College would remain responsible; and that besides payment of the interest due the College of Physicians and Surgeons in New-York, the contractors had transferred to the trustees of Union College, about eighty thousand dollars in bonds and mortgages, which the trustees had taken with a view to their greater security, and which they trusted would be ultimately realized for application as the law directed.

In their report received in January last, the trustees say: "The indebtedness of the contractors for the Literature lottery, has not been lessened during the last year. And as the law blending that lottery with the other unfinished lotteries heretofore authorised, removed the whole from the supervision of the

board of trustees, they have nothing definite on that subject to report, other than that they have received positive assurance that further payment shall be made to them during the current year, and that the whole amount due shall certainly be paid off within the time fixed by law for finishing the drawing of said lotteries."

By order of the Regents.

SIMEON DE WITT, *Chancellor.*

Attest: G. HAWLEY, *Secretary.*

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act authorising the construction of the Chenango canal."

E. T. THROOP.

Albany, March 24, 1829.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the supervisors of the county of St. Lawrence to levy a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river at the village of Ogdensburgh;" and the engrossed bill entitled "An act for the relief of the late treasurer of Livingston county;" and that the same are correctly engrossed.

The said engrossed bill, entitled "An act authorising the supervisors of the county of St. Lawrence to levy a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river at the village of Ogdensburgh," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of the late treasurer of Livingston county," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Smithsboro' and Nichols bridge company," and find the same correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Smithsboro' and Nichols bridge company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES	84
NAYS	07

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Jenkins	Mr. Skinner
Mr. Allison	Mr. Dyckman	Mr. Johnson	Mr. Sloughter
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. A. Smith
Mr. Austin	Mr. Eldridge	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Soper
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. W. K. Fuller	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr

Mr. Bradish	Mr. Gardiner	Mr. Morell	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Burt	Mr. Graves	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. J. Hall	Mr. Norton	Mr. J. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Carrier	Mr. Hazeltine	Mr. Phoenix	Mr. Vanderbilt
Mr. Case	Mr. Hedges	Mr. Randall	Mr. Waring
Mr. Chandler	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Collier	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Sheppard	Mr. Young 84

Those who voted in the negative are—

Mr. Bogert	Mr. Edgerton	Mr. Graham	Mr. Waugh
Mr. Dickson	Mr. Goodman	Mr. Hascall	7

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the Mohawk turnpike company to relinquish part of their road," and find the same correctly engrossed.

The said engrossed bill, entitled "An act authorising the Mohawk turnpike company to relinquish part of their road," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	04

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Holdridge	Mr. Scott
Mr. Allison	Mr. Dickson	Mr. Hubbard	Mr. Sheppard
Mr. Austin	Mr. Dyckman	Mr. Hubbell	Mr. Sill
Mr. Bacon	Mr. Edgerton	Mr. Ives	Mr. Skinner
Mr. C. Baker	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. E. Baker	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. Baragar	Mr. Falley	Mr. Judd	Mr. L. Smith
Mr. Barnet	Mr. Fillmore	Mr. Lindsley	Mr. Soper
Mr. Bogert	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Starr
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Tailor
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Tower
Mr. Cargill	Mr. Graham	Mr Myers	Mr. J. Van Beuren
Mr. Carley	Mr. Graves	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. Gross	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. J. Hall	Mr. Paige	Mr. Waring
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. White
Mr. Dana	Mr. Hascall	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hazeltine	Mr. Ruggles	Mr. Williams
Mr. Dayton	Mr. Hedges.	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Heermans	Mr. Savage	Mr. Young 96

Those who voted in the negative are—

Mr. Armstrong	Mr. Dygert	Mr. Jenkins	Mr. A. Smith. 4

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill, entitled "An act to authorise the appraisal of certain damages on the Champlain canal," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to authorise the appraisal of certain damages on the Champlain canal," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

AYES 71
NAYS 19

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hubbell	Mr. Savage
Mr. Bacon	Mr. Dean	Mr. Ives	Mr. Scott
Mr. C. Baker	Mr. Defreest	Mr. Jenkins	Mr. Sill
Mr. E. Baker	Mr. Dickson	Mr. Johnson	Mr. Skinner
Mr. Baragar	Mr. Dyckman	Mr. Lindsley	Mr. A. Smith
Mr. Barnet	Mr. Dygert	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bogert	Mr. Eldridge	Mr. H. W. Livingston	Mr. Spier
Mr. Bostwick	Mr. Fillmore	Mr. Mandeville	Mr. Stanton
Mr. Boynton	Mr. P. C. Fuller	Mr. J. M'Donold	Mr. Teller
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Garbutt	Mr. Morell	Mr. J. Van Beuren
Mr. Burt	Mr. Gardiner	Mr. Myers	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr. Norton	Mr. White
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Chandler	Mr. Heermans	Mr. Randall	Mr. Young
Mr. Collier	Mr. Holdridge	Mr. Sanford	71

Those who voted in the negative are—

Mr. Allison	Mr. Falley	Mr. Hubbard	Mr. L. Smith
Mr. Armstrong	Mr. Gosman	Mr. Mann	Mr. Soper
Mr. Dana	Mr. Graham	Mr. Redfield	Mr. Tailor
Mr. Davenport	Mr. W. Hall	Mr. Sheppard	Mr. Waugh
Mr. Edgerton	Mr. Hascall	Mr. Sloughter	19

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Nathan Underwood," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act for the relief of Nathan Underwood," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 86
NAYS 01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Ives	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Sloughter
Mr. Bacon	Mr. Dygert	Mr. Johnson	Mr. A. Smith
Mr. C. Baker	Mr. Edgerton	Mr. Judd	Mr. H. D. Smith
Mr. E. Baker	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. H. W. Livingston	Mr. Soper
Mr. Barnet	Mr. P. C. Fuller	Mr. Mandeville	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Gardiner	Mr. M'Niel	Mr. Starr
Mr. Brinkerhoff	Mr. Goodman	Mr. Morell	Mr. Tailor
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Cargill	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Carley	Mr Graves	Mr. Paige	Mr. J. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Phoenix	Mr. P. Van Beuren
Mr. Case	Mr. Hascall	Mr. Randall	Mr. Vanderbilt
Mr. Chandler	Mr. Hazeltine	Mr. Redfield	Mr. Waring
Mr. Collier	Mr. Hedges	Mr. Sanford	Mr. White
Mr. Dana	Mr. Heermans	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Holdridge	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Hubbard	Mr. Sheppard	Mr. Young
Mr. Defreest	Mr. Hubbell	Mr. Sill	87

Those who voted in the negative are—

Mr. Allison 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 82
NAYS 06}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hynds	Mr. Sheppard
Mr. Armstrong	Mr. Dyckman	Mr. Ives	Mr. Sill
Mr. Austin	Mr. Dygert	Mr Jenkins	Mr. Skinner
Mr. Bacon	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. Bailey	Mr. Eldridge	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. H. W. Livingston	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. Soper
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. Goodman	Mr. J. M'Donald	Mr. Stanton
Mr. Boynton	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Bradish	Mr. Graham	Mr. Morell	Mr. P. Van Beuren
Mr. Brinkerhoff	Mr. Graves	Mr. Myers	Mr. Waring
Mr. Burt	Mr. W. Hall	Mr. Norton	Mr. Waugh
Mr. Cargill	Mr. Hammond	Mr. Paige	Mr. White
Mr. Carley	Mr. Hascall	Mr. Randall	Mr. Willey
Mr. Carrier	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Case	Mr. Hedges	Mr. Sanford	Mr. Williamson
Mr. Collier	Mr. Heermans	Mr. Savage	Mr. Wyckoff
Mr. Dana	Mr. Holdridge	Mr. Scott	Mr. Young
Mr. Dean	Mr. Hubbell		82

Those who voted in the negative are—

Mr. Davenport	Mr. Falley	Mr. Judd	Mr. Mixer
Mr. Edgerton	Mr. Hubbard		6

Thereupon,

Mr. Judd offered for the consideration of the house, a resolution, in the words following, to wit.

Resolved, That this house do reconsider its vote on the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes."

Ordered, That the said resolution be laid upon the table.

Seven several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Flushing steam-boat company;" the bill entitled "An act to divide the town of Ancram in the county of Columbia;" the bill entitled "An act to amend the act entitled 'An act to erect a new town by by the name of Little-Falls, from parts of the towns of Herkimer and German-flatts in the county of Herkimer,' passed February 10th, 1829;" the bill entitled "An act for the relief of Betsey Cameron;" the bill entitled "An act relative to the city of Troy;" the bill entitled "An act to divide the town of Oppenheim in the county of Montgomery," and the bill entitled "An act for the relief of Thomas Staats junior;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the Flushing steam-boat company," was referred to a select committee, consisting of Mr. Jones, Mr. Wyckoff and Mr. Hedges; the bill entitled "An act to divide the town of Ancram in the county of Columbia," was referred to a select committee, consisting of Mr. Armstrong, Mr. H. W. Livingston and Mr. Dygert: the bill entitled "An act to amend the act entitled 'An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer and German-flatts in the county of Herkimer,' passed February 10th, 1829," was referred to a select committee, consisting of Mr. Armstrong, Mr. Dygert and Mr. Mann; the bill entitled "An act for the relief of Betsey Cameron," was referred to a select committee, consisting of Mr. Mann, Mr. C. Baker and Mr. Mathews; the bill entitled "An act relative to the city of Troy," was referred to a select committee, consisting of Mr. Mallory, Mr. Morell and Mr. Falley; the bill entitled "An act to divide the town of Oppenheim in the county of Montgomery," was referred to a select committee, consisting of Mr. Burt, Mr. Randall and Mr. Spier; and the bill entitled "An act for the relief of Thomas Staats junior," was referred to a select committee, consisting of Mr. Bradish, Mr. Eldridge and Mr. Savage, severally to consider and report thereon.

The remonstrance of sundry inhabitants of the town of Ancram in the county of Columbia, against a division of that town, was read, and referred to the select committee to which was referred the engrossed bill from the Senate entitled "An act to divide the town of Ancram in the county of Columbia," of which Mr. Armstrong is chairman.

The remonstrance of sundry inhabitants of the town of German-flatts in the county of Herkimer, against annexing any part of that town to the town of Little-Falls, was read, and referred to the select committee to which was referred the engrossed bill from the Senate to amend the act erecting the town of Little-Falls, of which Mr. Armstrong is chairman.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the village of Brockport," with the amendments therewith delivered.

The said bill and amendments were read; and all of the amendments having been again read, excepting the amendments to the 23d section of the said bill,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their said amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Ives	Mr. Sheppard
Mr. Allison	Mr. Dickson	Mr. Jenkins	Mr. Sill
Mr. Austin	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Bacon	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Bailey	Mr. Edgerton	Mr. Judd	Mr. A. Smith
Mr. C. Baker	Mr. Efner	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Falley	Mr. C. L. Livingston	Mr. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. H. W. Livingston	Mr. Soper
Mr. Bogert	Mr. P C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mann	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gardiner	Mr. M'Niel	Mr. Teller
Mr. Brinkerhoff	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Morell	Mr. J. Van Beuren
Mr. Cargill	Mr. Graves	Mr. Myers	Mr. P. Van Buren
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Holdridge	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dean	Mr. Hynds		94

Thereupon,

The amendments of the Senate to the 23d section of the said bill were read, in the words following, to wit:

3d line of the section, strike out "taverns," and insert "groceries." In the 3d, 4th, 5th and 6th lines, strike out the words following, to wit: "And the commissioners of excise of the town of Sweden are hereby inhibited from granting any license to any person to keep a tavern within said village, without such person first having obtained a certificate from said trustees, of his fitness to receive such license."

Mr. Speaker put the question whether the house would agree to concur with the Senate in their said amendments to the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{NAYS 82
AYES 09}

Those who voted in the negative are—

Mr. Allison	Mr. Dickson	Mr. Jenkins	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Sloughter
Mr. Bacon	Mr. Edgerton	Mr. Jones	Mr. A. Smith
Mr. Bailey	Mr. Efner	Mr. Judd	Mr. H. D. Smith
Mr. Baragar	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. Barnet	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. Soper

Mr. Boynton	Mr. Garbutt	Mr. Mandeville	Mr. Stanton
Mr. Bradish	Mr. Gardiner	Mr. Mann	Mr. Starr
Mr. Brinkerhoff	Mr. Gosman	Mr. J. M'Donold	Mr. Tailor
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. Teller
Mr. Cargill	Mr. J. Hall	Mr. Mixer	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. J. Van Beuren
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. Hascall	Mr. Paige	Mr. Vanderbilt
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Waugh
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Dana	Mr. Holdridge	Mr. Sanford	Mr. Williams
Mr. Davenport	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Ives		82

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Bogert	Mr. Eldridge	Mr. Morell
Mr. Austin	Mr. Bostwick	Mr. Hedges	Mr. Savage
Mr. E. Baker			9

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in all of their amendments to the said bill, excepting their amendments to the 23d section, in which this house do non-concur.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of the heirs and legal representatives of John Thompson deceased;" the said report being that the committee had gone through the said bill, and agreed to the same without amendment, in the words following, to wit:

An act for the relief of the heirs and legal representatives of John Thompson, deceased.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

It shall be lawful for the commissioners of the land-office, and they are hereby required, to grant letters patent to the heirs and legal representatives of John Thompson deceased, a private in Captain Hallett's company in the second New-York regiment, commanded by Colonel Van Courtlandt, in the same manner as has been granted to soldiers serving in the line of this state, for two hundred acres of land in the tract set apart for the use of the line of this state, in full for the bounty lands of said John Thompson.

Thereupon,

Mr. Bradish made a motion that the house should agree to amend the report of the committee of the whole, by striking out of the section the word "two," and inserting instead thereof the word "five."

Debates were had upon the said motion of Mr. Bradish; and the question being put whether the house would agree thereto, it was determined in the affirmative.

AYES	51
NAYS	47

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. E. Baker	Mr. W. K. Fuller	Mr. H. W. Livingston	Mr. H. D. Smith
Mr. Barnet	Mr. Goodman	Mr. Mandeville	Mr. Spier
Mr. Bradish	Mr. Graves	Mr. Mathews	Mr. Stanton
Mr. Carley	Mr. Gross	Mr. J. M'Donald	Mr. Starr
Mr. Chandler	Mr. J. Hall	Mr. M'Niel	Mr. Tailor
Mr. Dayton	Mr. W. Hall	Mr. Morell	Mr. Teller
Mr. Defreest	Mr. Hazeltine	Mr. Myers	Mr. J. Van Beuren
Mr. Dickson	Mr. Hedges	Mr. Paige	Mr. P. Van Beuren
Mr. Dyckman	Mr. Holdridge	Mr. Phoenix	Mr. Waring
Mr. Eldridge	Mr. Hubbell	Mr. Randall	Mr. Willey
Mr. Fi lmore	Mr. Jenkins	Mr. Sanford	Mr Wyckoff
Mr. Fowler	Mr. Judd	Mr. Savage	Mr. Young
Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. Sill	51

Those who voted in the negative are—

Mr. Al Burtis	Mr. Carrier	Mr. Hammond	Mr. Scott
Mr. Allison	Mr. Collier	Mr. Hubbard	Mr. Sheppard
Mr. Armstrong	Mr. Dana	Mr. Hynds	Mr. Skinner
Mr. Austin	Mr. Davenport	Mr. Ives	Mr. Sloughter
Mr. Bacon	Mr. Dean	Mr. Johnson	Mr. A. Smith
Mr. Bailey	Mr. Dygert	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Edgerton	Mr. Mann	Mr. Soper
Mr. Bostwick	Mr. Efner	Mr. Mixer	Mr. Tower
Mr. Boynton	Mr. Falley	Mr. Noble	Mr. Waugh
Mr. Brinkerhoff	Mr. Garbutt	Mr. Norton	Mr. White
Mr. Burt	Mr. Gosman	Mr. Redfield	Mr. Williamson
Mr. Cargill	Mr. Graham	Mr. Ruggles	47

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of Daniel M'Inroy;" the bill entitled "An act to divide the town of Junius in the county of Seneca, into four towns;" and the bill entitled "An act relative to the ferry between Nuttenhook and Coxsackie landing," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill, amendments, and copies of the resolutions therein mentioned, was read, informing that they have concurred with this house in all of its amendments to the bill entitled "An act to divide the town of Camillus in the county of Onondaga," excepting the amendment to the fourth section of the bill, in which they do non-concur.

Thereupon,

Resolved, That this house do recede from its amendment to the fourth section of the said bill.

Ordered, That the clerk deliver the said bill and amendments, together with a copy of the preceding resolution, to the Senate.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act relative to general elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

THURSDAY, MARCH 26, 1829.

The House met pursuant to adjournment.

The petition of Benjamin Tucker, of the city of New-York, praying for the passage of an act authorising him to assume the name of Benjamin Franklin, was read, and referred to a select committee, consisting of Mr. Myers. Mr. C. L. Livingston and Mr. Dayton.

Two several petitions of John G. Dare and Victor Stewart, aliens, severally praying that they may be authorised to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the town of Moira, in the county of Franklin, praying for the passage of an act to confirm the election of justices of the peace chosen in said town at the last general election, was read, and referred to the committee on the judiciary.

The petition of John Brown, of the town of Rotterdam in the county of Schenectady. praying to be compensated for an injury done to a canal boat of which he was the owner, in its passage through a lock on the Erie canal, was read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the town of Ovid, in the county of Seneca, praying for the appointment of a commissioner to perform certain duties of a judge of the supreme court, in said county, was read, and referred to a select committee, consisting of Mr. Bostwick, Mr. Scott and Mr. Mann.

The petition of the trustees of the Rochester high school, praying for the passage of a law to authorise them to mortgage their real estate, and for other purposes mentioned in the petition, was read, and referred to the committee on colleges, academies and common schools.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the memorial of the Orphan asylum society of the city of New-York, together with the message of the late Governor, recommending the subject to the favorable consideration of the legislature, reported:

That this society was instituted by a number of ladies in the city of New-York, in the year 1806, for the purpose of protecting, relieving and educating orphan children in that city. The petitioners state that the institution has been hitherto cherished and sustained by the voluntary contribution of charitable individuals, and that their labors have been attended with more than anticipated success; that six hundred orphan children have been provided with a home, supported and educated by the society; that they have all been reared in the paths of virtue and industry, and at proper ages placed in situations to become useful members of society.

They also represent, that individual donations have recently been withheld from the society, under an erroneous impression on the part of the public, that they have obtained a large bequest from the late Mr. Jacobs, which they have not received, and the probability of their ever receiving any thing from that source is not stated.

They pray that public aid may be afforded to sustain the institution, and that the real and personal estate of the society may be exempted from taxation.

This society was incorporated in the year 1807. In the year following, the sum of five thousand dollars was granted to the institution, to be raised by lottery. And in the year 1811, an act was passed directing the sum of five hundred dollars to be paid annually to the society from the fund arising from auction duties, until the farther order of the legislature, which has not been repealed.

The benevolent objects of this association; the disinterested exertion of its members in promoting the noblest charities of life; and the inestimable blessings flowing from their labors to society, and especially to the helpless orphans whom they have rescued from misery and ruin, and protected, and educated, and placed in the paths of virtue, and in a condition of usefulness and

happiness, are considerations arising out of the facts before the committee in favor of this application.

This institution has been frequently and favorably noticed in years past, in messages of the Governor to the legislature, and it is believed to be one of the most useful, interesting and important charitable institutions in the state.

The committee are of opinion that a small additional appropriation ought to be made for the support and encouragement of the society, and that their property ought to be exempted from taxation.

They have therefore prepared a bill, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act for the benefit of the Orphan asylum society of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of sundry inhabitants of the city of Schenectady, praying for the incorporation of the Schenectady African school society, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to incorporate the Schenectady African school society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the Washington fire company in the city of Troy, for the passage of a law to authorise them to increase the number of their members, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the Washington volunteer fire company in the village of Troy;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the firemen of the city of Troy, praying for an act of incorporation, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act incorporating the firemen in the city of Troy, by the name of the Fire department of the city of Troy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ives, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry inhabitants of the town of Deerfield, for a division of their town, together with a remonstrance against it of sundry inhabitants of the same town, reported:

That the petitioners set forth, that from the size and form of their town, it is very inconvenient transacting their town business, and that there exists an opposition of interests in the different sections of the town, prejudicial to the improvement of roads and bridges. Those who oppose a division, state that the proposed new town will have the one-half of three bridges to support over the Mohawk river, and one over the Nine mile creek, which is much more than their share, and that it will burden them in their town expenses.

The committee have investigated the subject as far as they have been able; and it appears that the town is in the form of an L, about ten miles east and west, eleven north and south, with a population of something like four thousand. After taking into consideration the size and form of the town, together with the population, a majority of the committee are of opinion that the prayer of the

petitioners ought to be granted. They have therefore prepared a bill agreeable thereto, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Ives, according to leave, brought in the said bill, entitled "An act to divide the town of Deerfield, in the county of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Myers, from the select committee to which was referred the memorial of Margaret Wool and the heirs of the late Captain Isaiah Wool, praying for an exchange of bounty lands, reported:

That they have investigated the claim, and find that lot number seventy-three in the township of Sterling, containing five hundred acres, was originally granted and set apart for the establishment of schools and the propagation of the gospel; and from its distant and remote situation, and inferior quality, it was taken back and exchanged under an act of the legislature, passed the 16th day of June, 1812, and lot number 17 was allotted in its stead; and in Feb. 1813, the memorialists having substantiated their claim to bounty lands from the state, as the heirs of said Wool, who was entitled to 1800 acres, received patents for 750 acres, the above described lot being part thereof. The committee have reason to believe that the land is of inferior quality; and although located on the state road, they have never been able to sell or receive any benefit from it, and that the same, instead of being a benefit, has been a source of expense to them by means of taxes and other charges. The committee are therefore of opinion that the memorial of the petitioners is reasonable, and should be granted; and have prepared a bill which they ask leave to present.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act for the relief of the widow and heirs of the late Captain Isaiah Wool;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Flushing steam-boat company," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Mallory, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the city of Troy," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Skinner, from the select committee to whom was referred the petition of sundry inhabitants of the counties of Allegany, Genesee and Livingston, praying for the removal of obstructions to the navigation of the Genesee river, reported:

That it appears from the petition and documents referred to the committee, that the inhabitants on the border of the Genesee river, in the above named counties, have sustained considerable losses, and have been put to great inconvenience in taking their lumber down that river, by means of a mill-dam erected at Mount-Morris; and they complain that the provisions of the law under which the dam was erected, are altogether inadequate for the public security. The committee have prepared a bill for the purpose of removing some of the evils complained of, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to authorise the erection of a dam across the Genesee river at Mount Morris,' passed April 13, 1826;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Cargill, from the select committee to which was committed the bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan

asylum society in the city of New-York,' passed April 7th, 1807," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mandeville, from the select committee to which was committed the bill entitled "An act to alter the name of the town of Clifton in the county of Saratoga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Holdridge, from the select committee to which was committed the bill entitled "An act relative to the city of Hudson," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Phœnix, from the select committee to which was committed the bill entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mixer, from the select committee to which was committed the bill entitled "An act declaring a part of the Little Conewango creek a public highway," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act confirming the reports of the trustees of certain school districts in this state," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. P Van Beuren, from the select committee to which was committed the bill entitled "An act authorising the trustees of the German reformed sanctity church to sell certain real estate," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. L. Smith, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to the county courts of the county of Onondaga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

In pursuance of previous notice, Mr. H. W. Livingston asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,'' passed April 5th, 1828;" which was read the first time, and by unanimous

consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. W. Hall asked for and obtained leave to bring in a bill entitled "An act to prevent the sale of spirituous liquors and wines in certain cases, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Burt asked for and obtained leave to bring in a bill entitled "An act repealing the act incorporating the president, directors and company of the Bank of Niagara;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition of Thomas Hitchcock, Samuel Holladay and Simon Danforth, praying for certain legislative relief as set forth in their petition, and that the said petition be referred to the canal commissioners.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Judd, which was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	07

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hubbell	Mr. Sanford
Mr. Allison	Mr. Dickson	Mr. Hynds	Mr. Savage
Mr. Armstrong	Mr. Dyckman	Mr. Ives	Mr. Scott
Mr. Bacon	Mr. Dygert	Mr Jenkins	Mr. Sheppard
Mr. Bailey	Mr. Efner	Mr. Johnson	Mr. Sill
Mr. C. Baker	Mr. Eldridge	Mr. Jones	Mr. Skinner
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. Sloughter
Mr. Baragar	Mr. Fleming	Mr. C. L. Livingston	Mr. A. Smith
Mr. Barnett	Mr. Franklin	Mr. H. W. Livingston	Mr. Soper
Mr. Bogert	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Teller
Mr. Brinkerhoff	Mr. Garnsey	Mr. Morell	Mr. J. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Myers	Mr. P. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. Gross	Mr. Norton	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Partridge	Mr. Willey
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. Williams
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Williamson
Mr. Dana	Mr. Hedges	Mr. Redfield	Mr. Wyckoff
Mr. Dayton	Mr. Heermans	Mr. Ruggles	Mr. Young
Mr. Dean			93

Those who voted in the negative are—

Mr. Davenport	Mr. Falley	Mr. Judd	Mr. Mixer
Mr. Edgerton	Mr. Hubbard	Mr. Mandeville	7

The house then proceeded to the consideration of the resolution heretofore offered by Mr. H. W. Livingston, which was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the New-York African Clarkson association"

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 88
NAYS 19

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Hynds	Mr. Scott
Mr. Allison	Mr. Dickson	Mr. Ives	Mr. Sheppard
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Sill
Mr. Bacon	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. C. L. Livingston	Mr. Sloughter
Mr. C. Baker	Mr. Falley	Mr. Mandeville	Mr. H. D. Smith
Mr. E. Baker	Mr Fleming	Mr. Mann	Mr. Soper
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Spier
Mr. Barnett	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Starr
Mr. Bostwick	Mr. Gardiner	Mr. Morell	Mr. Tabor
Mr. Boynton	Mr. Garnsey	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Goodman	Mr. Noble	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Gosman	Mr. Norton	Mr. P. Van Beuren
Mr. Cargill	Mr. Graham	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Waring
Mr. Carrier	Mr. W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Ruggles	Mr. Williamson
Mr. Dayton	Mr. Heermans	Mr. Sanford	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Savage	Mr. Young 88

Those who voted in the negative are—

Mr. Burt	Mr. Efner	Mr. Jenkins	Mr. L. Smith
Mr. Case	Mr. Fitch	Mr. Judd	Mr. Tailor
Mr. Curtiss	Mr. W. K Fuller	Mr. Lindsley	Mr. Teller
Mr. Davenport	Mr. Hascall	Mr. Mixer	Mr. White
Mr. Edgerton	Mr. Holdridge	Mr. A. Smith	19

Mr. Bogert offered for the consideration of the house, a resolution, in the words following, to wit

Resolved, That the house do reconsider their vote on the final passage of the bill entitled "An act to incorporate the Smithsboro' and Nichols bridge company."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 100
NAYS 04

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jenkins	Mr. Seeley
Mr. Allison	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Bacon	Mr. Edgerton	Mr. Judd	Mr. A. Smith
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. Baragar	Mr. Fitch	Mr. H. W. Livingston	Mr. Soper
Mr. Barnet	Mr. Fleming	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Brinkerhoff	Mr. Gardner	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Cargill	Mr. Gosman	Mr Myers	Mr. J. Van Beuren
Mr. Carley	Mr. Graham	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Vanderbilt
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Waugh
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. White
Mr. Dana	Mr. Heermans	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hubbard	Mr. Ruggles	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Scott	Mr. Young 100

Those who voted in the negative are—

Mr. Bailey	Mr. Goodman	Mr. Gross	Mr. Hascall 4

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition of John Brown of the county of Schenectady, to be compensated for an injury to his canal boat, and that the said petition be referred to the canal commissioners.

Mr. Ruggles gave notice that he would, at some future day, ask leave to introduce a bill for the purpose of reducing the expense of distributing notices of licensed pedlers.

Mr. Morell offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That after this week, the usual hour for the adjournment of this house shall be three o'clock in the afternoon.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the negative.

NAYS	69
AYES	33

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dean	Mr. Heermans	Mr. Savage
Mr. Armstrong	Mr. Defreest	Mr. Hubbell	Mr. Sheppard
Mr. Bacon	Mr. Dickson	Mr. Hynds	Mr. Skinner
Mr. Bailey	Mr. Dyckman	Mr. Ives	Mr. Sloughter
Mr. Baragar	Mr. Dygert	Mr. Jenkins	Mr. A. Smith
Mr. Barnet	Mr. Edgerton	Mr. Jones	Mr. H. D. Smith
Mr. Bogert	Mr. Efner	Mr. Lindsley	Mr. L. Smith
Mr. Bostwick	Mr. Eldridge	Mr. Mandeville	Mr. Soper
Mr. Burt	Mr. Falley	Mr. Mann	Mr. Tabor

Mr. Cargill	Mr. W. K. Fuller	Mr. Mathews	Mr. Tailor
Mr. Carley	Mr. Goodman	Mr. J. M'Donald	Mr. Teller
Mr. Carrier	Mr. Gosman	Mr. Mixer	Mr. P. Van Beuren
Mr. Case	Mr. Graham	Mr. Myers	Mr. Waring
Mr. Chandler	Mr. Gross	Mr. Noble	Mr. Waugh
Mr. Curtiss	Mr. W. Hall	Mr. Paige	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Williams
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Young
Mr. Dayton			69

Those who voted in the affirmative are—

Mr. Allison	Mr. Garbutt	Mr. Johnson	Mr. Redfield
Mr. C. Baker	Mr. Gardiner	Mr. Judd	Mr. Scott
Mr. E. Baker	Mr. Garnsey	Mr. C. L. Livingston	Mr. Spier
Mr. Boynton	Mr. J. Hall	Mr. H. W. Livingston	Mr. Tower
Mr. Bradish	Mr. Hammond	Mr. Morell	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Hascall	Mr. Norton	Mr. Willey
Mr. Collier	Mr. Holdridge	Mr. Partridge	Mr. Williamson
Mr. Fitch	Mr. Hubbard	Mr. Phoenix	Mr. Wyckoff
Mr. P. C. Fuller			33

Mr. A. Smith offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That after this week, this house will hold an afternoon session.

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to authorise the erection of a dam across the Genesee river at Mount Morris,' passed April 13th, 1826;" and that the said bill be referred to a select committee, to consist of the members attending this house from the counties of Genesee, Livingston and Allegany.

The house then proceeded to the consideration of the resolution offered by Mr. Savage on the 28th February; the same being amended, was again read, in the words following, to wit:

Resolved, That a committee of eight (one from each senate district) be appointed, to inquire into the expediency of removing the seat of government of this state, from the city of Albany, to the town of Utica, or such other place within the state of New-York as the committee may deem expedient; and that they have leave to report by bill or otherwise.

Debates were had thereon; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 55}
{NAYS 52}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hascall	Mr. Ruggles
Mr. Bacon	Mr. Dygert	Mr. Hazeltine	Mr. Savage
Mr. Bailey	Mr. Fillmore	Mr. Hubbard	Mr. Sill
Mr. C. Baker	Mr. Fitch	Mr. Hubbell	Mr. Skinner
Mr. Bostwick	Mr. Fleming	Mr. Ives	Mr. Sloughter
Mr. Boynton	Mr. Franklin	Mr. Johnson	Mr. H. D. Smith
Mr. Brinkerhoff	Mr. P. C. Fuller	Mr. Judd	Mr. L. Smith
Mr. Carley	Mr. W. K. Fuller	Mr. Mann	Mr. Taber
Mr. Carrier	Mr. Garbutt	Mr. Mathews	Mr. Teller
Mr. Case	Mr. Garnsey	Mr. J. M'Donold	Mr. Tower
Mr. Chandler	Mr. Goodman	Mr. Mixer	Mr. White
Mr. Dana	Mr. Gosman	Mr. Norton	Mr. Willey
Mr. Dean	Mr. J. Hall	Mr. Patridge	Mr. Williams
Mr. Dickson	Mr. W. Hall	Mr. Randall	55

Those who voted in the negative are—

Mr. Al Burtis	Mr. Defreest	Mr. Lindsley	Mr. Seeley
Mr. Allison	Mr. Edgerton	Mr. C. L. Livingston	Mr. A. Smith
Mr. E. Baker	Mr. Eldridge	Mr. H. W. Livingston	Mr. Soper
Mr. Baragar	Mr. Falley	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Fowler	Mr. M'Niel	Mr. Stanton
Mr. Bogert	Mr. Gardiner	Mr. Morell	Mr. Tailor
Mr. Bradish	Mr. Graham	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Gross	Mr. Noble	Mr. P. Van Beuren
Mr. Cargill	Mr. Hedges	Mr. Paige	Mr. Vanderbilt
Mr. Collier	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Curtiss	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hynds	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Jenkins	Mr. Scott	Mr. Young 52

Thereupon,

Ordered, That Mr. Savage, Mr. Dayton, Mr. Soper, Mr. Paige, Mr. Randall, Mr. Dana, Mr. Hubbell and Mr. Fillmore, be the said committee.

Mr. Mann offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That a committee of eight, one from each senatorial district, be appointed, to select from the general orders of this house, all such bills of public and general importance, as may be necessary to be acted upon during the present session, and report the same from time to time to the house.

Ordered, That the said resolution be laid upon the table.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That on Tuesday next, at twelve o'clock at noon, the legislature will proceed to choose three regents of the university, to fill vacancies occasioned by the resignation of Martin Van Buren and Samuel A. Talcott, and the death of John Tayler.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

Mr. Bradish, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Thomas Staats, junior," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

A message from the Senate, delivered by their clerk, with the bill and amendments, and a copy of the resolution therein mentioned, was read, informing that they do adhere to their amendments to the twenty-third section of the bill entitled "An act to incorporate the village of Brockport."

Ordered, That the same be laid upon the table.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of Daniel Carswell:" the bill entitled "An act concerning the village of Lewiston in the county of Niagara;" and the bill entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of Daniel Carswell," was referred to a select committee, consisting of Mr. Mann, Mr. Johnson and Mr. J. McDonald; the bill entitled "An act concerning the village of Lewiston in the county of Niagara," was referred to a select committee, consisting of Mr. Garnsey, Mr. Falley and Mr. Norton; and the bill entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," was referred to a select committee, consisting of Mr. Bradish, Mr. Eldridge and Mr. Mathews, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the issuing of executions by the justices' court of the city of Schenectady, and for other purposes," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read,

Mr. Speaker put the question whether the house would concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jones	Mr. Skinner
Mr. Allison	Mr. Dyckman	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Lindsley	Mr. A. Smith
Mr. Bacon	Mr. Eldridge	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Mandeville	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mann	Mr. Soper
Mr. E. Baker	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Speaker
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Spier
Mr. Bostwick	Mr. Gardiner	Mr. Mixer	Mr. Stanton
Mr. Boynton	Mr. Goodman	Mr. Morell	Mr. Starr
Mr. Bradish	Mr. Gosman	Mr. Myers	Mr. Tabor
Mr. Brinkerhoff	Mr. Graham	Mr. Noble	Mr. Tailor
Mr. Burt	Mr. J. Hall	Mr. Norton	Mr. Teller
Mr. Cargill	Mr. W. Hall	Mr. Paige	Mr. J. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Partridge	Mr. P. Van Buren
Mr. Carrier	Mr. Hascall	Mr. Phoenix	Mr. Vanderbilt
Mr. Case	Mr. Hazeltine	Mr. Randall	Mr. Waring
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. Waugh
Mr. Curtiss	Mr. Heermans	Mr. Sanford	Mr. White
Mr. Dana	Mr. Holdridge	Mr. Savage	Mr. Willey
Mr. Davenport	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Jenkins		94

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to continue in force the act authorising Russell Atwater and his associates to erect a toll-bridge over the Black river," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river," with the amendment therewith delivered.

The said bill and amendments were read; and the amendments having been again read and concurred in,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to divide the town of Junius in the county of Seneca, into four towns."

"An act to authorise a special meeting of the board of supervisors in the county of Dutchess."

"An act relative to the ferry between Nutten-Hook and Coxsackie landing."

"An act for raising a sum not exceeding two thousand dollars, on the town of Lyons in Wayne county, this year and the next, to rebuild two bridges in said town."

"An act for the relief of Daniel McInroy."

E. T. THROOP.

Albany, March 26, 1829.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of the heirs and legal representatives of John Thomson deceased," and find the same correctly engrossed.

The said engrossed bill, entitled "An act for the relief of the heirs and legal representatives of John Thomson deceased," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

{AYES 65}
{NAYS 40}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. C. Baker	Mr. Gardner	Mr. C. L. Livingston	Mr. Skinner
Mr. E. Baker	Mr. Garnsey	Mr. Mandeville	Mr. H. D. Smith
Mr. Barnett	Mr. Goodman	Mr. Mathews	Mr. L. Smith
Mr. Bogert	Mr. Graves	Mr. J. M'Donald	Mr. Spier
Mr. Bradish	Mr. J. Hall	Mr. M'Niel	Mr. Stanton
Mr. Carley	Mr. W. Hall	Mr. Mixer	Mr. Starr
Mr. Case	Mr. Hammond	Mr. Morell	Mr. Tabor
Mr. Chandler	Mr. Hazeltine	Mr. Myers	Mr. Tailor
Mr. Dayton	Mr. Hedges	Mr. Noble	Mr. Teller
Mr. Dickson	Mr. Heermans	Mr. Norton	Mr. J. Van Beuren
Mr. Dyckman	Mr. Holdridge	Mr. Paige	Mr. P. Van Beuren
Mr. Eldridge	Mr. Hubbell	Mr. Partridge	Mr. Vanderbilt
Mr. Fillmore	Mr Jenkins	Mr. Randall	Mr. Waring
Mr. Fleming	Mr. Jones	Mr. Sanford	Mr. Willey
Mr. Franklin	Mr. Judd	Mr. Savage	Mr. Wyckoff
Mr. P. C. Fuller	Mr. Lindsley	Mr. Sill	Mr. Young
Mr. W. K. Fuller			65

Those who voted in the negative are—

Mr. Al Burtis	Mr. Carrier	Mr. Gosman	Mr. Scott
Mr. Allison	Mr. Collier	Mr. Graham	Mr. Seeley
Mr. Armstrong	Mr. Curtiss	Mr. Hascall	Mr. Sheppard
Mr. Bacon	Mr. Davenport	Mr. Hubbard	Mr. Sloughter
Mr. Bailey	Mr. Dean	Mr. Hynds	Mr. A. Smith
Mr. Bostwick	Mr. Dygert	Mr. Ives	Mr. Soper
Mr. Boynton	Mr. Edgerton	Mr. Johnson	Mr. Tower
Mr. Brinkerhoff	Mr. Falley	Mr. Mann	Mr. Waugh
Mr. Burt	Mr. Fitch	Mr. Redfield	Mr. Williams
Mr. Cargill	Mr. Garbutt	Mr. Ruggles	Mr. Williamson 40

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act relative to the county courts of the county of Onondaga," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	06

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Hynds	Mr. Scott
Mr. Allison	Mr. Dickson	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Sheppard
Mr. Bacon	Mr. Dygert	Mr. Johnson	Mr. Sill
Mr. Bailey	Mr. Efner	Mr. Jones	Mr. Skinner
Mr. C. Baker	Mr. Eldridge	Mr. Lindsley	Mr. Sloughter
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. Fitch	Mr. H. W. Livingston	Mr. Soper
Mr. Barnett	Mr Fleming	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. Mathews	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Niel	Mr. Tailor
Mr. Bradish	Mr. Garbutt	Mr. Morell	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. Myers	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Noble	Mr. J. Van Beuren
Mr. Carley	Mr. Graham	Mr. Norton	Mr. P. Van Beuren
Mr. Carrier	Mr Graves	Mr. Partridge	Mr. Waugh
Mr. Case	Mr. J. Hall	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. W. Hall	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hammond	Mr. Redfield	Mr. Williams
Mr. Curtiss	Mr. Hazeltine	Mr. Rugg es	Mr. Williamson
Mr. Dana	Mr. Heermans	Mr. Sanfo d	Mr. Wyckoff
Mr. Dayton	Mr. Holdridge	Mr. Savage	Mr. Young
Mr. Dean	Mr. Hubbell		94

Those who voted in the negative are—

Mr. Davenport	Mr. Falley	Mr. Judd	Mr. Mixer
Mr. Edgerton	Mr. Hubbard		6

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill entitled "An act to incorporate the New-York African Clarkson association," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	88
NAYS	16

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Heermans	Mr. Sanford
Mr. Allison	Mr. Dickson	Mr. Hubbard	Mr. Scott
Mr. Armstrong	Mr. Dyckman	Mr. Hubbell	Mr. Seeley
Mr. Bacon	Mr. Dygert	Mr. Hynds	Mr. Sheppard
Mr. C. Baker	Mr. Eldridge	Mr. Ives	Mr. Sill
Mr. E. Baker	Mr. Falley	Mr. Jenkins	Mr. Skinner
Mr. Baragar	Mr. Fillmore	Mr. Johnson	Mr. Sloughter
Mr. Barnet	Mr. Fitch	Mr. Jones	Mr. H. D. Smith
Mr. Bogert	Mr. Fleming	Mr. Lindsley	Mr. L. Smith
Mr. Bostwick	Mr. Franklin	Mr. C. L. Livingston	Mr. Soper
Mr. Boynton	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bradish	Mr. Garbutt	Mr. J. M'Donald	Mr. Stanton
Mr. Brinkerhoff	Mr. Garnsey	Mr. M'Niel	Mr. Starr
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. Tabor
Mr. Carley	Mr. Gosman	Mr Myers	Mr. Tailor
Mr. Carrier	Mr. Graham	Mr. Norton	Mr. Tower
Mr. Case	Mr. Graves	Mr. Paige	Mr. J. Van Beuren
Mr. Collier	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. W. Hall	Mr. Phoenix	Mr. Willey
Mr. Dana	Mr. Hammond	Mr. Randall	Mr. Williamson
Mr. Dayton	Mr. Hazeltine	Mr. Redfield	Mr. Wyckoff
Mr. Dean	Mr. Hedges	Mr. Ruggles	Mr. Young 88

Those who voted in the negative are—

Mr. Burt	Mr. W. K. Fuller	Mr. H. W. Livingston	Mr. Savage
Mr. Davenport	Mr. Hascall	Mr. Mathews	Mr. A. Smith
Mr. Edgerton	Mr. Holdridge	Mr. Mixer	Mr. Teller
Mr. Efner	Mr. Judd	Mr. Noble	Mr. Williams 16

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to incorporate the Palmyra high school in the village of Palmyra in the county of Wayne," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 99
NAYS 02}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Heermans	Mr. Scott
Mr. Allison	Mr. Dyckman	Mr. Hubbard	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Hubbell	Mr. Sheppard
Mr. Bacon	Mr. Edgerton	Mr. Hynds	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. Ives	Mr. Sloughter
Mr. C. Baker	Mr. Falley	Mr. Jenkins	Mr. L. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Johnson	Mr. Soper
Mr. Baragar	Mr. Fitch	Mr. Jones	Mr. Spier
Mr. Barnet	Mr. Fleming	Mr. Judd	Mr. Stanton
Mr. Bogert	Mr. Franklin	Mr. Lindsley	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. H. W. Livingston	Mr. Tailor
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mandeville	Mr. Teller
Mr. Cargill	Mr. Gardiner	Mr. J. M'Donald	Mr. Tower
Mr. Carley	Mr. Garnsey	Mr. M'Niel	Mr. J. Van Beuren
Mr. Carrier	Mr. Goodman	Mr. Mixer	Mr. P. Van Beuren

Mr. Case	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Chandler	Mr. Graves	Mr. Myers	Mr. Waugh
Mr. Collier	Mr. Gross	Mr. Noble	Mr. White
Mr. Curtiss	Mr. J. Hall	Mr. Norton	Mr. Willey
Mr. Dana	Mr. W. Hall	Mr. Partridge	Mr. Williams
Mr. Davenport	Mr. Hammond	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Hascall	Mr. Randall	Mr. Wyckoff
Mr. Dean	Mr. Hazeltine	Mr. Redfield	Mr. Young
Mr. Defreest	Mr. Hedges	Mr. Ruggles	99

Those who voted in the negative are—

Mr. Gosman	Mr. Holdridge	2

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the Smithsboro' and Nichols bridge company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	05

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Ives	Mr. Sheppard
Mr. Allison	Mr. Dygert	Mr. Jenkins	Mr. Sill
Mr. Armstrong	Mr. Edgerton	Mr. Johnson	Mr. Skinner
Mr. Bacon	Mr. Efner	Mr. Jones	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Judd	Mr. A. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fleming	Mr. C. L. Livingston	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. Mandeville	Mr. Soper
Mr. Bogert	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donold	Mr. Stanton
Mr. Bradish	Mr. Garbutt	Mr. M'Niel	Mr. Starr
Mr. Brinkerhoff	Mr. Garnsey	Mr. Morell	Mr. Taber
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Tailor
Mr. Cargill	Mr. Graham	Mr. Norton	Mr. Teller
Mr. Carley	Mr. J. Hall	Mr. Paige	Mr. Tower
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. J. Van Beuren
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. P. Van Beuren
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Ruggles	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Sanford	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Hynds	Mr. Scott	91

Those who voted in the negative are—

Mr. Bailey	Mr. Dickson	Mr. Goodman	Mr. Mixer
Mr. Davenport			5

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relative to general elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

FRIDAY, MARCH 27, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry inhabitants of the town of Manlius in the county of Onondaga, against a division of that town, was read, and committed to a committee of the whole, when on the bill upon that subject.

The petition of sundry inhabitants of the town of Conewango in the county of Cattaraugus, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of the supervisor, justices of the peace, and sundry inhabitants of the town of Schodack, against the passage of the bill for the relief of George Hoag, was read, and committed to a committee of the whole when on that bill.

Two several petitions of sundry inhabitants of the counties of Saratoga, Montgomery and Hamilton, praying for the passage of a law to authorise the survey of a canal route from some point in one of said counties to the Erie or Champlain canal, were read, and referred to the committee on canals and internal improvements.

The petition of sundry inhabitants of the town of Pierrepont in the county of St. Lawrence, praying for the passage of a law to authorise the conversion of their poor monies into a school fund for said town, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the counties of Tioga and Tompkins, against the passage of a law to extend the charter of the Ithaca and Owego turnpike company, was read, and committed to a committee of the whole when on the bill upon that subject.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of John Seymour and others, praying for the passage of an act authorising him to erect a dam in the Susquehannah river in the town of Vestal in the county of Broome, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act authorising John Seymour to erect a dam in the Susquehannah river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Baker, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the towns of Cayuta, Spencer, Erin and Barton, praying for the passage of an act authorising the improvement of the Cayuta creek, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. E. Baker, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act declaring a part of Cayuta creek a public highway;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Newburgh, praying for the incorporation of a hook and ladder company in that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees and sundry inhabitants of the village of Athens, praying for a certain amendment to the act incorporating that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passed April 2d, 1805;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the counties of Genesee and Cattaraugus, praying for the appointment of commissioners to lay out a road from Sheldon to Medina, and the remonstrance of sundry inhabitants of the county of Genesee against the passage of such a law, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo in the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garnsey, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the village of Lewiston in the county of Niagara," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Bradish, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Scott, from the select committee to which was referred the petition of sundry inhabitants of the village of Ovid in the county of Seneca, praying that a law may be passed, authorising the appointment of a commissioner to perform certain duties of a justice of the supreme court at chambers, reported:

That the petitioners represent, that at least one half of the legal business of said county is done at the village of Ovid; and that no person is authorised to do such duties, residing nearer than about twenty miles from said village; and they are consequently subjected to great inconvenience in consequence thereof. Under these circumstances, the committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted: They ask leave to introduce a bill accordingly.

Ordered, That leave be given to bring in such bill.

Mr. Scott, according to leave, brought in the said bill, entitled "An act for the appointment of a commissioner to do certain duties of a justice of the supreme court in the county of Seneca;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. J. Van Beuren, from the select committee to which was referred the petition of John C. Snowden, reported:

That the petitioners have possessed themselves of a valuable and extensive coal mine upon the Schuylkill canal in Pennsylvania, with a view to the introduction of that article in the New-York market; and with this single object, they solicit for their enterprise the encouragement of the legislature, by grant-

ing to them an act of incorporation. Individual enterprises undertaken for no other purpose than to supply the increasing wants of an augmenting population by the introduction of native coal, cannot, in the opinion of the committee, be viewed but as essentially contributing to the comfort and prosperity of the community. Although the encouragement heretofore granted by the legislature to similar associations, has been liberal; yet the supply of anthracite coal has been very inadequate to the wants of the people; and every measure that may tend to open the avenues to such invaluable treasures, deserves, in the opinion of the committee, a favorable consideration. The committee have prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. J. Van Beuren, according to leave, brought in the said bill, entitled "An act to incorporate the Bridgewater coal and mining company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. White, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Armstrong, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend the act entitled 'An act to erect a new town by the name of Little-Falls, from parts of the towns of Herkimer and German-flatts in the county of Herkimer,' passed February 10, 1829," reported, that they have examined the said bill, and that a majority of the said committee see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Armstrong, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to divide the town of Ancram in the county of Columbia," reported, that they have examined the said bill, and that a majority of the said committee see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Heermans, from the select committee to whom was referred the bills, petitions, remonstrances and other accompanying papers, in relation to "the Troy and Bennington turnpike road and bridge company," and "the Peuisten-kill turnpike road company," reported:

That they feel it their duty to recommend the granting of the prayer of the petitioners for a grant of incorporation for the construction of a turnpike road from the city of Troy to the town of Bennington, on the west line of the state of Vermont, by the name and style of "The Troy and Bennington turnpike road and bridge company."

The reasons which have induced the committee to come to this conclusion, are to be found in the facts disclosed to them, of the extreme badness of a considerable portion of the present highway, running from Troy to Bennington, and that the same is susceptible of great and prominent improvements, which will naturally result from an investment thereof, by a corporate body. The committee are fully satisfied, that under the existing provision of the law regulating the working of common highways, that this road will not, and indeed cannot be made such as the public interest demands.

The committee beg leave further to represent, that the bridge situated upon said road, across the Hoosick river, is in such an extreme bad condition, as that the passing thereof with loaded wagons is considered imminently dangerous; and the committee are credibly informed, that the mail stage conveying the mails from Albany to the Eastern states, has frequently been arrested in its progress at this bridge, by having one team of horses taken therefrom, and the passengers dislodged from their seats, through fear of the supposed danger. And the committee are satisfied, that in consequence of the dangerous condition of said bridge, in connection with the extreme badness of a portion of said

road, a considerable portion of travel has been driven therefrom, which would, under other circumstances, have passed thereon. The committee feel persuaded that this prominent evil cannot be well remedied unless the road and the bridge are invested in a corporate company.

There are many other considerations connected with this subject, which the committee do not deem necessary or essential to advert to, to support them in the conclusion to which they have arrived.

The committee also recommend the granting of the prayer of the petitioners for the construction of a turnpike road from the city of Troy, by the way of the drowned land and the Poesten-kill in the town of Brunswick, to the Baptist meeting-house, or the house of Caleb Sherman, in the town of Pittstown, by the name and style of "The Troy and Poesten-kill turnpike road company," so as to intersect the Troy and Bennington turnpike road, as above recommended.

The committee cannot discover any impropriety in granting both of these several applications; for it is self-evident, that in a fair competition in almost any business, the public in general are benefitted. So in this instance will it be the case, should both of the bills herewith recommended become a law. As a matter of course, the stockholders in both companies will consider it for their interest to have their roads made as good as can be, in order to draw the travel. The Poesten-kill road is to intersect the other about 14 miles from the city of Troy, and about 29 miles from the same city on the latter route, and is to pass through a distinct section of country. The committee, however, cannot refrain from an expression of their solemn opinion, that as disconnected from the Troy and Bennington turnpike road, as above recommended, the Troy and Poesten-kill turnpike road bill ought not, in any event, to pass into a law.

The reason which the committee assign for this unqualified expression against the Poesten-kill bill, as disconnected from the Troy and Bennington, is founded upon the fact, that no sufficient reason has been disclosed to them that the public interest claims any such exclusive privilege.

The Troy and Bennington turnpike road and bridge company, as contemplated by the bill introduced, is to follow the now travelled road from Troy to Bennington, or as near thereto as in the opinion of the commissioners the public interest will permit, so that no injury will be done to any individual residing thereupon or contiguous thereto, nor any depreciation in value of any property be the consequence, except what is imperiously required as a sacrifice to the public, and of which no one ought of right to complain. The present road has been used as a highway, running from Troy to Bennington, for about 60 years. The inhabitants have settled thereupon, and made great and expensive improvements in building for a tavern stand, and farm houses and out buildings, under the fair supposition that the road would always remain the great highway leading from the Eastern states to the city of Troy; and the inhabitants residing upon, and who are to be benefitted by the construction of the contemplated Poesten-kill road, never calculated upon any such advantages as will be bestowed upon them by the granting of their petition.

The committee feel constrained to declare, that in case but one of the bills in question is to pass into a law, that it ought of right to be the Troy and Bennington bill; the distance being from 4 to 6 miles shorter than the Penisten-kill route.

In conclusion, the committee, under all circumstances, deem it proper and expedient to recommend the granting of the prayer of the petitioners, to incorporate "The Troy and Bennington turnpike road and bridge company," and "The Troy and Poesten-kill turnpike road company," and herewith present bills for that purpose.

Ordered, That the said bills and report be committed to a committee of the whole house.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to incorporate the Port Byron and Auburn rail-road company;" the bill entitled "An act to incorporate the Union socity of the city of New-York;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego;'" the bill entitled "An act authorising the overseers of the poor in the town of Queensbury to pay over certain monies;" the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess;" the bill entitled "An act to authorise the overseers of the poor in the town of Peru to pay over the monies in their hands to the commissioners of highways in said town;" the bill entitled "An act relative to the clerk of the police office in the city of New-York;" the bill entitled "An act for the relief of the town of Hampstead in the county of Rockland, and to establish a permanent name for said town;" and the bill entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to incorporate the Port Byron and Auburn rail-road company." be referred to a select committee, consisting of Mr. Noble, Mr. Taber and Mr Hammond; that the bill entitled "An act to incorporate the Union society of the city of New-York," be referred to a select committee, consisting of Mr. Al Burtis, Mr. Cargill and Mr. Bogert; that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego,'" be referred to a select committee, consisting of Mr. Falley, Mr. Morell and Mr. Johnson; that the bill entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies," be referred to a select committee, consisting of Mr. J. M'Donald, Mr. M'Neil and Mr. Sill; that the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess," be referred to a select committee, consisting of Mr. Judd, Mr. E. Baker and Mr. Teller; that the bill entitled "An act to authorise the overseers of the poor of the town of Peru to pay over the monies in their hands to the commissioners of highways in said town," be referred to a select committee, consisting of Mr. Edgerton, Mr. Gross and Mr. Bradish; that the bill entitled "An act relative to the clerk of the police office in the city of New-York," be referred to a select committee, consisting of Mr. Dayton, Mr. C. L. Livingston and Mr. J. Van Beuren; that the bill entitled "An act for the relief of the town of Hampstead in the county of Rockland, and to establish a permanent name for said town," be referred to a select committee, consisting of Mr. Fowler, Mr. Soper and Mr. Waugh; and that the bill entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware," be referred to a select committee, consisting of Mr. Redfield, Mr. Skinner and Mr. Bradish; to be by the said select committees severally reported complete.

Mr. Myers, from the select committee to which was referred the petition of Benjamin Tucker, praying for the passage of a law to authorise him to change his name to Benjamin Franklin, reported:

That they have had the same under consideration; and it appears to the committee that property to a considerable amount may be acquired by him, should he be allowed by law to change his name; and they are therefore of opinion that the prayer of the petitioner should be granted, and ask leave to present a bill for his relief.

Ordered, That leave be given to bring in such bill.

Mr. Myers, according to leave, brought in the said bill, entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin;" which was read the first time, and by unanimous consent was also read a second time.

Thereupon,

Ordered, That the said bill and report be laid upon the table.

Mr. Paige, from the select committee to which was referred the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the

same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be re-engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act to authorise the sale of subdivision number four of lot number ninety in the town of Lansing in the county of Tompkins," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A communication from the canal board was read, in the words following, to wit:

The canal board, to which was referred, by the honorable the Assembly, the petition of several citizens of Washington county, complaining that the canal commissioners, in giving the receipts for canal tolls, have not credited to the Champlain canal the tolls which are received at Albany and West-Troy upon ascending merchandize, &c. destined to pass the Champlain canal, and alleging that those tolls have been erroneously passed to the credit of the Erie canal, report:

That upon an examination of the reports of the canal commissioners for several years past, it would seem that the complaint of the petitioners is measurably true, as relates to the reports of the canal commissioners; but it is not perceived that from the omission of the canal commissioners to distribute the tolls received, with entire mathematical accuracy, any injury has been really done to the Champlain canal, inasmuch as the commissioners of the canal fund, in their annual report for each year, since those commissioners have attempted to report the state of the canal funds, have corrected this error, and have regularly deducted the tolls referred to, from the gross amount appearing to have been collected upon the Erie canal, and have added the amount to the tolls appearing to have been collected upon the Champlain canal.

An examination of the annual reports of the commissioners of the canal fund, for the years 1825, 1826, 1827 and 1828, will shew that this course has been pursued, and will exhibit the following results for each of these years:

Years.	Tolls collected at Albany.	Tolls collected at West-Troy.	Am't deducted from Erie canal tolls, and added to Champ. canal tolls.
1825,.....	$2,023 46	$8,863 69	$10,896 15
1826,.....	1,745 38	8,580 62	10,326 00
1827,.....	1,745 38	8,580 62	10,326 00
1828,.....	5,982 05	13,799 67	19,781 72

In the year 1827, the accounts at the collector's office at Waterford, from a deficiency in the blanks furnished, did not enable the commissioners to make partition of those tolls, between the Erie and Champlain canals, for that year. The estimate, therefore, was made from the preceding year; and as the whole amount of these tolls would vary little from that collected in 1826, the share to be passed to the credit of the Champlain canal, was assumed to be the same as in 1826.

For the last year, the amount thus apportioned will be seen to have increased very considerably beyond that of any former year; but the division has been made from the same data which have governed the former distributions of these tolls, and it is presumed the share credited to the Champlain canal is not too large.

Inasmuch as the commissioners of the canal fund have uniformly done what the petitioners desire to have done, and as it can make very little difference from what source this information comes, provided it be correct, and that each canal has the fair and full credit for its earnings, the canal board do not perceive the necessity of any legislation upon this subject.

There is no doubt the commissioners of the canal fund will continue to make this division of these tolls in their reports; and it ought to be remarked, that by free access to the collectors' accounts, they are better able to do this with accuracy, than it is believed the canal commissioners can do, without considerable labor not strictly pertaining to their duties.

S. WRIGHT, Jun.
A. KEYSER,
S. YOUNG,
A. C. FLAGG,
Wm. C. BOUCK,
HENRY SEYMOUR.

Albany, 27*th March*, 1829.

Ordered, That the said communication be laid upon the table.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom the honorable the Assembly referred the petition of sundry inhabitants of the town of Springwater, in the county of Livingston, respectfully report:

The petitioners complain that a dam, which was erected by the canal commissioners at the foot of Hemlock lake, for the purpose of a reservoir for the Erie canal, has caused the lake to overflow several hundred acres of land, and occasioned sickness among the inhabitants contiguous thereto; and they pray the legislature to direct the canal commissioners to remove the dam, which they understand is no longer required for the purpose for which it was intended.

The dam above mentioned was erected some years ago, when it was apprehended there would be a deficiency of water on the western section of the Erie canal, without a resort to the Hemlock, and several other small lakes in that vicinity; but since that time the water from Lake Erie has been thrown into the canal, and the water from the small lakes has not been required. There was a floom and gate constructed in the aforesaid dam, for the purpose of drawing off the water of the lake; and it is now nearly two years since one of the superintendents on the canal, under the express directions of the canal commissioners, raised the gates and drew down the water. Since that time the gates have not been shut, or the water raised by our order or permission. It is not improbable, however, that the owners of mills which are situated on the outlet of the lake, and who are much benefitted in using the lake as a reservoir, may have occasionally closed the gates and kept up the water to so late a period in summer, as to occasion the evils complained of. The dam is not now, and will not, in all probability, be again wanted for any public purpose; and if its continuance is in any respect injurious, the commissioners see no objection to its removal.

S. YOUNG,
H. SEYMOUR,
Wm. C. BOUCK.

March 27*th*, 1829.

Ordered, That the said communication, together with the petition, be referred to a select committee, consisting of Mr. Johnson, Mr. P. C. Fuller and Mr. Goodman.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom the honorable the Assembly have referred the petition of sundry manufacturers of salt in the village of Salina, respectfully report:

That the petitioners represent that they constructed in the year 1825, by authority of the legislature, and under the direction of the canal commissioners, a side-cut connected with the Salina side-cut, of about eighty rods in length, and at an expense of about fifteen hundred dollars. That the said cut was intended to facilitate the manufacture of salt, by affording the means of

transporting wood to, and salt from their works. That they continued to use the same without any difficulty until the last fall, when, in consequence of its connection with the Oswego canal, which had been constructed on a lower level, the water was lowered about eighteen inches, and the navigation of the petitioners' side-cut was rendered impracticable; and that an expense of five hundred dollars is requisite to lower the bottom of the cut, and to restore the navigation; wherefore they pray the legislature to cause the necessary excavation to be done, and the side-cut to be taken into the hands of the state, and put upon the same footing as other parts of the public works.

The facts of this case, so far as the commissioners have knowledge of the subject, appear to be somewhat different from the representations of the petitioners. It is true, as they have stated, that the side-cut in question was laid out under the direction of the canal commissioners, and in such manner as to correspond and connect with one of the levels of the Salina side-cut, and with which is now connected the Oswego canal; but it is believed that the petitioners failed to dig their side-cut to its proper depth, and to obviate the difficulty which this occasioned in the navigation, the water in the short level with which it was connected, was raised about eighteen inches, by raising the height of the lock gates. That part of the Oswego canal which extends from the Seneca river to Salina, and connects with the aforesaid short level of the Salina side-cut, was made to conform to the same top water line which was originally given to the short level of the side-cut. When the bank was cut away which divided the two canals, and the junction was formed, the water in the Salina side-cut subsided to its original and proper level, leaving a depth of four feet. In the Oswego canal, the depth was a few inches greater, in consequence of its bottom having been sunk a little lower. This reduction of the water in the Salina side-cut, produced a corresponding depression in the height of the water in the canal or side-cut of the petitioners, and on account of the original deficiency of its depth of cutting, rendered it unnavigable. This occurrence has unquestionably occasioned the petitioners much inconvenience, but it is not perceived why it should be charged to the state. The level of the two canals have been so fixed and adjusted, as to do the least possible injury to the property situated along their line; and there has been no variation in the plans of any part of the work which has been the cause of the injury of which they complain. Had they constructed the work, which was constructed entirely for their private benefit, in conformity with the plan of the public works, and according to the directions of the canal commissioners, or their engineers, their difficulties would have been entirely obviated. As the matter now stands, they are not deprived of an opportunity of excavating their side-cut to its proper depth, and of finishing their work; and we think there would be no hardship in their performing it, at their own expense.

S. YOUNG,
H. SEYMOUR,
WM. C. BOUCK.

March 27th, 1829.

Ordered, That the said communication, together with the petition, be referred to the committee on canals and internal improvements.

In pursuance of previous notice, Mr. Ruggles asked for and obtained leave to bring in a bill entitled "An act to reduce the expense of distributing notices of licensed pedlers:" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That Mr. Wheeler have leave of absence for two days.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York:" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the clerk of this house be directed to engross into one bill, the names of all such persons as have or may apply during this session, for a law to change their names; and that the title to said bill be "An act to authorise the several persons therein named to change their names."

Ordered, That the said resolution be laid upon the table.

On motion of Mr. Hubbell,

Resolved, That the committee on the militia be instructed to inquire and report to this house, their opinion as to the propriety of so altering title fifth of chapter tenth of the Revised Statutes, as not to require the militia of this state to rendezvous either by companies, separate battalions or regiments, or to require them to rendezvous by companies only.

Mr. Eldridge offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That after this week, this house will hold an afternoon session, each day, to commence at four o'clock P. M.; the business of which shall be confined to reading the minutes of the preceding day; receiving petitions; receiving reports from the different committees; consideration of notices, motions and resolutions, (excepting motions for reconsideration;) receiving messages from the senate, and messages and communications from the state officers; reading of bills the first and second time, and the third reading of all such bills as shall not require a majority of two-thirds for their final passage, nor appropriate the public money: And that the order of business be made conformable thereto: And that the resolution requiring the house to meet at nine A. M. be rescinded.

Ordered, That the said resolution be laid upon the table.

Five several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9th, 1829;" the bill entitled "An act authorising Martin B. Young to erect a dam across the Canisteo river;" the bill entitled "An act to incorporate the Ithaca and Havana turnpike road company;" the bill entitled "An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard junior;" and the bill entitled "An act authorising Ann Eliza Babcock to take the maiden name of Seeley," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April 2d, 1825," and the bill entitled "An act concerning highway labor in the town of Kent in the county of Putnam;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April 2d, 1825," was referred to a select committee, consisting of Mr. Burt, Mr. Wheeler and Mr. Waring; and the bill entitled "An act concerning highway labor in the town of Kent in the county of Putnam," was referred to a select committee, consisting of Mr. Tailor, Mr. E. Baker and Mr. Van Wyck, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act for the relief of Matthew Brown junior," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state."

Thereupon,

The amendments of the Senate to the said bill being amended by this house,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments, with the amendments thereto therewith delivered.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river:" the engrossed bill entitled "An act to alter the name of the town of Clifton in the county of Saratoga;" the engrossed bill entitled "An act declaring a part of the Little Conewango creek a public highway," and the engrossed bill entitled "An act confirming the reports of the trustees of certain school districts in this state;" and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to alter the name of the town of Clifton in the county of Saratoga," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act declaring a part of the Little Conewango creek a public highway," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act confirming the reports of the trustees of certain school districts in this state," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 7th, 1807;" and the engrossed bill entitled "An act authorising the trustees of the German reformed sanctity church to sell certain real estate;" and that the said bills are correctly engrossed.

Ordered, That the said bills be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Newtown;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until ten o'clock to-morrow morning.

SATURDAY, MARCH 28, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Covert in the county of Seneca, praying for the passage of a law to alter the time of distributing their public school money, was read, and referred to a select committee, consisting of Mr. Scott, Mr. Bostwick and Mr. Noble.

Two several petitions of sundry inhabitants of the counties of Erie and Cattaraugus, praying for the passage of a law authorising the supervisors of said counties to raise $800 by tax, to build a bridge across the Cattaraugus creek, were read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants residing at Au-Sable forks, praying for the passage of an act authorising the construction of the Port Kent and Hopkinton road, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Virgil in the county of Cortland, praying for a division of that town, and the remonstrance of sundry inhabitants of said town against a division thereof, were severally read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the towns of Pittstown, Brunswick, Lansingburgh and Hoosick, in the county of Rensselaer, praying for the appointment of commissioners to alter and improve a certain road, and to assess the expenses attending such improvement, upon the persons residing within two miles on each side of said road, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the trustees of the village of Canandaigua, praying for certain amendments to the act incorporating that village, was read, and referred to the committee on the incorporation of cities and villages.

Two several remonstrances of sundry inhabitants of the town of Manlius in the county of Onondaga, against a division of said town, was read, and committed to a committee of the whole when on the bill upon that subject.

The memorial of the members of the Lyceum of Natural history, in the city of New-York, praying for the passage of a law to provide for a practical and efficient examination of the mineral formations of this state for bituminous coal, and a resolution of the common council of the city of New-York, approving of the objects of the application, were severally read, and referred to a select committee, consisting of Mr. T. L. Smith, Mr. Bradish and Mr. Skinner.

The petition of the directors of the Harlæm river canal company, praying for an extension of their charter, was read, and referred to a select committee, consisting of Mr. T. L. Smith, Mr. Johnson and Mr. Armstrong.

The petition of John Johnston and Robert Cochran, of the county of Chautauque, aliens, praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of Thomas Garvey, praying for the passage of a law to authorise him to construct a wharf opposite his lands in the town of Oyster-Bay in the county of Queens, was read, and referred to a select committee, consisting of Mr. Jones, Mr. Davenport and Mr. Wyckoff.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of sundry inhabitants of the town of Salina, praying for relief in consequence of the construction of the Oswego canal having rendered useless a side-cut at that place, and the report of the canal commissioners on the same, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, on the petition of sundry inhabitants of the county of Ontario, praying for the incorporation of the Naples turnpike company, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Naples turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tower, from the committee on ways and means, in obedience to the resolution of the house, "instructing them to inquire into the expediency of providing by law for the sale of lands liable to be sold for taxes, in the county where the lands are situated, and not at the seat of government, as is now provided," reported:

That they have attentively considered and examined the subject referred to them in the resolution, by a careful perusal of the past and present laws upon the subject, and a careful comparison of the old laws with the provisions in the revised statutes; by inquiry of the state officers having in charge the execution of those laws, and other examinations within their reach.

Occasional errors and mistakes have been, and probably will continue to be committed in the sale of land for taxes. On a close examination, most of these, the committee believe, will be found to have occurred from inaccurate descriptions of such land; sometimes by improper returns either of collectors or county treasurers. In some instances, the errors have been committed by the owners of the lands themselves, by furnishing a wrong number for their lot or lots, or paying upon a wrong number, perhaps discharging taxes upon lands in which they had no interest, their own being at the same time neglected, until title was perfected in a purchaser.

A change of the mode of sale, would not, in the opinion of the committee, remedy these evils; their remedy would seem to lie in a requirement of a more accurate and attentive description of all lands, from the assessors.

Article third, chapter thirteen of the first part of the revised statutes, contains the present law which relates to this subject. This article of the revised statutes, it is believed, contains some important *new* provisions for the safety of the public upon this head. The comptroller is directed to reject all lands returned for taxes, where the description is not perfect; and where he shall deem it necessary to test the correctness of the description of said lands credited the several counties, he may require from the board of supervisors, at the expense of the county, maps of any tract or tracts of land, with particular description, statement of the quantity, &c.; and all lands held for arrears of taxes, shall not remain unsold but two years after return to the comptroller.

It is made the duty of town clerks, at the opening of every town-meeting for the election of town officers, to give notice that lists of lands advertised for sale for taxes by the comptroller, are deposited in his office for inspection. With these precautions in addition to the old law, the committee cannot conceive of a case where all owners of lands would not have full notice of any delinquency *before a sale.* In addition to this, the delinquent has two years' time, *after sale*, for the redemption of his land; the comptroller sending to the county treasurers, lists of the same six months previous to the expiration of the time of redemption, and said lists to be advertised in all the public newspapers.

The change of these sales from the seat of government of the state, to the different counties, upon whatever plan might be adopted, whether sales were to be made upon transcripts from the comptroller's office, or upon original returns made to the treasurer's office of the county, or otherwise, would necessarily, upon its first commencement, like all new things of this kind, produce more or less of confusion, and probably more expense than the present mode.

With these views of the subject, the committee have unanimously come to the conclusion, that it is inexpedient at present to make any alteration in our laws for the sale of lands held for arrears of taxes; and therefore ask to be discharged from the further consideration of the subject.

Thereupon,

Mr. Speaker put the question whether the house would agree to discharge the said committee from the subject referred to them, and it was determined in the affirmative.

Mr. Morell, from the committee on the incorporation of cities and villages, to which were referred the several petitions of the trustees and sundry inhabitants of the village of Rochester, praying for the passage of a law to incorporate said village as a city, and the several remonstrances against the passage of such a law, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to incorporate the city of Rochester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morell, from the committee on the incorporation of cities and villages, to which was referred the petition of Thomas Goodsell, Joseph Kirkland, Nathan Williams and others, inhabitants of the village of Utica, praying for the passage of a law to incorporate said village as a city, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Morell, according to leave, brought in the said bill, entitled "An act to incorporate the city of Utica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Falley, from the committee on the incorporation of cities and villages, on the petition of sundry inhabitants of the village of Fredonia, praying for the passage of an act of incorporation, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to incorporate the village of Fredonia;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April 2d, 1825," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Tailor, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning highway labor in the town of Kent in the county of Putnam," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. L. Smith, from the select committee to which was committed the bill entitled "An act for the relief of the heirs of Jonas C. Baldwin deceased," reported, that the committee had gone through the said bill, made sundry amendments thereto, and altered the title to "An act for the relief of the heirs and devisees of Jonas C. Baldwin deceased;" which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Judd, from the select committee to which was committed the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bostwick, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of

Waterloo in the county of Seneca,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Falley, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Redfield, from the select committee to which was committed the bill entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Edgerton, from the select committee to which was committed the bill entitled "An act to authorise the overseers of the poor in the town of Peru to pay over the monies in their hands to the commissioners of highways in said town," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dayton, from the select committee to which was committed the bill entitled "An act relative to the clerk of the police office in the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. J. M'Donald, from the select committee to which was committed the bill entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

In pursuance of previous notice, Mr. J. Hall asked for and obtained leave to bring in a bill entitled "An act to regulate the fees for pumping salt water in the town of Salina, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Hascall asked for and obtained leave to bring in a bill entitled "An act to extend the liberties of jails;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Ordered, That Mr. Graham and Mr. Chandler have leave of absence for ten days respectively.

Ordered, That the committee on grievances be discharged from the further consideration of the petitions of sundry inhabitants of the county of Warren, relative to a certain dam at the outlet of Lake George; and that the said petition be referred to the attorney-general.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of William Wisner;" the said report being, that the committee had diagreed to the first and only clause of the said bill.

Thereupon,

Mr. Hubbell made a motion that the house should agree to amend the report of the committee of the whole, by inserting after the enacting clause thereof, four several sections, in the words following, to wit:

§ 1. The person or property of William Wisner shall not be held liable to satisfy the judgment in favor of the people of the state of New-York against Matthew Carpenter and the said William Wisner, unless a new suit be brought upon said judgment within one year after the passing of this act, and a new recovery be had thereon; and in case of such new recovery, the original judgment shall continue in force; but only one of said judgments shall be collected.

§ 2. In any suit to be brought upon said judgment, the said William Wisner may give in evidence any matter of defence which he might have pleaded or given in evidence in the suit upon the bond upon which said judgment was recovered.

§ 3. Nothing herein contained shall be construed to affect or discharge the liability of the said Matthew Carpenter on the said judgment; and execution may be issued on the said judgment in the usual form, but directions shall be endorsed thereon not to take the body or property of said William Wisner.

§ 4. The said William Wisner shall not avail himself of this act, unless within three months after the passage thereof, he shall, with one or more sufficient sureties, to be approved by one of the judges of the county courts of the county of Tompkins, execute a bond to the people of this state in the penal sum of two hundred dollars, conditioned to pay the costs of a suit upon the said judgment, if such suit shall be commenced within one year from the passage of this act, and judgment be rendered against him; and file such bond in the office of the comptroller.

Debates were had upon the said motion of Mr. Hubbell; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	51
AYES	48

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Defreest	Mr. J. Hall	Mr. Redfield
Mr. Allison	Mr. Dygert	Mr. W. Hall	Mr. Sanford
Mr. Austin	Mr. Edgerton	Mr. Hammond	Mr. Sheppard
Mr. Bacon	Mr. Efner	Mr. Hascall	Mr. Sloughter
Mr. Bailey	Mr. Eldridge	Mr. Holdridge	Mr. Spier
Mr. E. Baker	Mr. Falley	Mr. Hubbard	Mr. Stanton
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. Taber
Mr. Brinkerhoff	Mr. Fleming	Mr. H. W. Livingston	Mr. Tower
Mr. Cargill	Mr. Fowler	Mr. M'Crea	Mr. Waring
Mr. Chandler	Mr. Franklin	Mr. Mixer	Mr. Waugh
Mr. Collier	Mr. Gardiner	Mr. Myers	Mr. White
Mr. Curtiss	Mr. Garnsey	Mr. Noble	Mr. Williams
Mr. Davenport	Mr. Goodman	Mr. Phoenix	51

Those who voted in the affirmative are—

Mr. C. Baker	Mr. Fillmore	Mr. Jones	Mr. Scott
Mr. Bogert	Mr. P. C. Fuller	Mr. Judd	Mr. Sill
Mr. Boynton	Mr. W. K. Fuller	Mr. Lindsley	Mr. Skinner
Mr. Bradish	Mr. Garbutt	Mr. C. L. Livingston	Mr. A. Smith
Mr. Carley	Mr. Gosman	Mr. Mann	Mr. H. D. Smith
Mr. Carrier	Mr. Hazeltine	Mr. W. M'Donald	Mr. Soper
Mr. Case	Mr. Hedges	Mr. M'Niel	Mr. Starr
Mr. Dana	Mr. Heermans	Mr. Morell	Mr. Teller
Mr. Dayton	Mr. Hubbell	Mr. Norton	Mr. P. Van Beuren
Mr. Dean	Mr. Ives	Mr. Paige	Mr. Vanderbilt
Mr. Dickson	Mr. Jenkins	Mr. Partridge	Mr. Willey
Mr. Dyckman	Mr. Johnson	Mr. Randall	Mr. Young 48

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

{AYES 63}
{NAYS 38}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. W. Hall	Mr. Phoenix
Mr. Allison	Mr. Efner	Mr. Heermans	Mr. Redfield
Mr. Austin	Mr. Eldridge	Mr. Holdridge	Mr. Sanford
Mr. Bacon	Mr. Falley	Mr. Hubbard	Mr. Seeley
Mr. Bailey	Mr. Fillmore	Mr. Jones	Mr. Sheppard
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. Sloughter
Mr. Brinkerhoff	Mr. Fleming	Mr. H.W. Livingston	Mr. A. Smith
Mr. Carrier	Mr. Fowler	Mr. Mann	Mr. Spier
Mr. Case	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Chandler	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Collier	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tower
Mr. Curtiss	Mr. Garbutt	Mr. Mixer	Mr. Waring
Mr. Davenport	Mr. Gardner	Mr Myers	Mr. Waugh
Mr. Dayton	Mr. Garnsey	Mr. Noble	Mr. White
Mr. Defreest	Mr. Goodman	Mr. Norton	Mr. Williams
Mr. Dygert	Mr. J. Hall	Mr. Partridge	63

Those who voted in the negative are—

Mr. C. Baker	Mr. Dyckman	Mr. Judd	Mr. H. D. Smith
Mr. E. Baker	Mr. Gosman	Mr. Lindsley	Mr. L. Smith
Mr. Bogert	Mr. Hammond	Mr. C. L. Livingston	Mr. Soper
Mr. Boynton	Mr. Hascall	Mr. M'Niel	Mr. Starr
Mr. Bradish	Mr. Hazeltine	Mr. Morell	Mr. Teller
Mr. Cargill	Mr. Hedges	Mr. Randall	Mr. P. Van Beuren
Mr. Carley	Mr. Hubbell	Mr. Scott	Mr. Vanderbilt
Mr. Dana	Mr. Ives	Mr. Sill	Mr. Willey
Mr. Dean	Mr. Jenkins	Mr. Skinner	Mr. Young
Mr. Dickson	Mr. Johnson		38

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the sale of subdivision number four of lot number ninety in the town of Lansing in the county of Tompkins;" and the engrossed bill entitled "An act to amend an act to authorise the erection of a dam across the Genesee river at Mount Morris, passed April 13th, 1826;" and find the same correctly engrossed.

The said engrossed bill, entitled "An act authorising the sale of subdivision number four of lot number ninety in the town of Lansing in the county of Tompkins," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to amend an act to authorise the erection of a dam across the Genesee river at Mount Morris, passed April 13th, 1826," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The Senate returned, by their clerk, the bill entitled "An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river;" the bill entitled "An act to authorise the issuing of executions by the justices' court of the city of Schenectady, and for other purposes;" and the bill entitled "An act for the relief of Matthew Brown"

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the amendments of the Senate to the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state."

Ordered, That the clerk deliver the said bill to the acting Governor.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to authorise the construction of a canal from the head of Seneca lake to Newtown;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, MARCH 30, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry inhabitants of the town of Manlius in the county of Onondaga, against a division of that town, was read, and committed to a committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the counties of Tioga and Tompkins, against the extension of the charter of the act incorporating the Ithaca and Owego turnpike company, was read, and committed to a committee of the whole when on the bill upon that subject.

The petitions of Peter Baucalari, Louis I. Belloni and Joseph Weaver, of the city of New-York, aliens, severally praying for the passage of a law to enable them to purchase, take, hold, and convey real estate within this state, were read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the village of Watertown in the county of Jefferson, praying for certain amendments to the act regulating highways, so far as the same relates to said village, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of the president and directors of the Eastchester bridge company, praying for permission to surrender their corporate rights, and to remove the property now belonging to said corporation, was read, and referred to a select committee, consisting of Mr. Dayton, Mr. Myers and Mr. Brown.

The petition of William Thompson and others, inhabitants of the county of Orange, praying for the passage of a law to authorise them to drain a certain

bog meadow in the towns of Warwick and Goshen in said county, was read, and referred to the committee on agriculture.

Mr. Cargill, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned, by the people of this state,' passed 10th March, 1827;" the bill entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, certain papers therein named;" the bill entitled "An act relative to monies in the hands of overseers of the poor;" the bill entitled "An act to establish a high school at Newburgh;" the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango;" the bill entitled "An act to incorporate the Rome and New-London turnpike company;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association;'" the bill entitled "An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810;" and the engrossed bill from the Senate, entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-orchard point in Hector, Tompkins county, to Big-stream point in the town of Starkey, Yates county."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned, by the people of this state,' passed 10th March 1827," be referred to a select committee, consisting of Mr. Matthews, Mr. J. Hall and Mr. L. Smith; that the bill entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, certain papers therein named," be referred to a select committee, consisting of Mr. Dana, Mr. Mann and Mr. Johnson; that the bill entitled "An act relative to monies in the hands of overseers of the poor," be referred to a select committee, consisting of Mr. White, Mr. W. M'Donald and Mr. Noble; that the bill entitled "An act to establish a high school at Newburgh," be referred to a select committee, consisting of Mr. Waugh, Mr. Fowler and Mr. Allison; that the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango," be referred to a select committee, consisting of Mr. Case, Mr. Franklin and Mr. Tower; that the bill entitled "An act to incorporate the Rome and New-London turnpike company," be referred to a select committee, consisting of Mr. Bacon, Mr. Johnson and Mr. Savage; that the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association,'" be referred to a select committee, consisting of Mr. Fillmore, Mr. Garnsey and Mr. Mixer; that the bill entitled "An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810," be referred to a select committee, consisting of Mr. Sanford, Mr. H. D. Smith and Mr. Bradish; and that the engrossed bill from the Senate, entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-orchard point in Hector, Tompkins county, to Big-stream point in the town of Starkey, Yates county," be referred to a select committee, consisting of Mr. Dana, Mr. Dean and Mr. Sheppard; to be by the said select committees severally reported complete.

Mr. Eldridge, from the committee of ways and means, to whom was referred so much of the message of his excellency the Governor as relates to the general fund and the ordinary expenses of government, reported:

That it appears from the annual report of the comptroller, that the expenses of government for the last year have exceeded the revenue of the general fund the sum of $183,865.65. By the same report it appears that the estimated expenses of the current year exceed the estimated revenue of the general fund for the same time, by the sum of $118,950; making for the two years a deficit of $302,815.65. It also appears, that on the close of the last year, the sum of

$115,065.20 remained in the treasury unappropriated, which was therefore applicable to the ordinary expenses of government. This sum deducted from the deficit of the two years, will leave a balance of $187,750.45.

By a law passed at the last session of the legislature, the comptroller is authorised to sell so much of the public stocks belonging to the general fund, as may be necessary to meet any deficiency that may exist in the revenue of that fund, to defray the ordinary expenses of government.

The following communication from the present comptroller, in the opinion of the committee, places this subject in its proper light. They have therefore seen fit to present the same as a part of their report.

COMPTROLLER'S OFFICE,
March 20, 1829.

Hon. James B. Eldridge,
Chairman of the Committee of Ways and Means, &c.

Sir—Pursuant to your request, I give you, as far as I am able, a concise view of the general fund, and its available means to meet the calls upon it. The basis of the statement I make, is the last annual report from this office.

By that report, it appears that the general fund was, on the 30th November last, indebted as follows:

"To the common school fund, viz:		
Capital,	$70,446 24	
Revenue,	100,000 00	
		$170,446 24
To the literature fund, viz:		
Capital,	$5,955 77	
Revenue,	4,680 06	
		10,635 83
Due from the general fund 30th Nov. last,		$181,082 07
Of this amount of debt, there has been since paid, as follows:		
To common school fund,	$81.294 45	
To literature fund,	4,680 06	
		85,974 51
Leaving a balance of this debt now due, of		$95.107 56
This balance is due as follows: To the common school fund, viz:		
Capital,	$70,446 24	
Revenue,	18,705 55	
		$89,151 79
To the literature fund capital,		5,955 77
Making the amount of debt as above,		$95,107 56
In addition to the above, I learn from the treasurer that he has overdrawn at the depositing bank, at this time, about	$15,000 00	
And that he has used of the canal fund monies, coming into the treasury from the Manhattan company, the sum of	20,000 00	
		35,000 00
Making the whole debt now due from the general fund, about..		$130,107 56

The capital of the general fund is stated, in the last annual report from this office, to amount to the sum of $1,614,986.79.

Of this capital there is of canal stock the sum of	$280,000
Of bank stock, exclusive of $15,000 of the stock of the B'k of Hudson,	112,740
Amounting, together, to the sum of	$392,740

The residue of this capital consists in bonds and mortgages for lands sold, in loans to individuals, and in sundry debts due the state, but none of which, it is presumed, can be made available to raise money beyond the ordinary receipts for interest, and the gradual payments of principal. The above sum, therefore, of $392.740, may be considered as the only part of the capital of the general fund, available, to raise money from to meet any indebtedness of this fund, or any calls upon the treasury beyond the revenue of the general fund.

Take, then, this sum as the means of supplying the present demands,.....	$392,740 00
Deduct from it the amount of debts now due, as before given, ..	130,107 56
And there will remain	$262,632 44

of the capital of the general fund, which may be put into the market to raise money upon, to meet any calls on the treasury after this date, which the revenue of the general fund, thus reduced in its capital, shall not be sufficient to answer.

This view cannot vary materially from the truth as to the present state of the treasury.

I am, with great respect,
Your obedient servant,
SILAS WRIGHT, Jun.

These deficiencies *alone* might be provided for by continuing to dispose of an unnecessary portion of the principal of the general fund; but whether it will be wise to do so, is a proper subject of inquiry, and one that the legislature alone have the right to determine,

To come to a right conclusion on this subject, it is necessary to refer to our future prospects, as well as our present situation.

The expenses of government for the two last years, have been materially increased by the revision of our statute laws, and the building of a new state prison at Sing-Sing: but as our state is rapidly increasing in population and business, it must be expected that there will be a corresponding increase in the expenses of government. While this gradual increase of expense might not become burthensome to our citizens from the fact that their capacity to meet it would be proportionably advanced; yet it is perfectly plain, that when the expenses of government are dependent upon a fund, the productions of which are not equal to the present demands upon it, that without aid from some other quarter, the fund itself must shortly be exhausted, and the expenses thereafter be provided for by some other means.

The general fund of this state being composed of such items as are not, in and of themselves, capable of being increased any farther than the interest of the same may add to them; and that increase not being equal to the ordinary demands upon it, it follows of course that there must be some further provisions made to meet what may be expected to be the annual expense of government hereafter.

A great proportion of the funds of this state are secured by the constitution to the use of common schools; another portion is appropriated to the literature fund, and a third to the canal fund. The two first are permanent appropriations, and cannot ever be applied to the ordinary expenses of government. As to the third, or those items constituting the canal fund, the committee are fully aware that the revenue derived from them, promises in a short period to extinguish the debts contracted for the construction of the canals: also when those

debts shall be extinguished, should the present rate of tolls on the canals be continued, they will, in all probability, produce a revenue far beyond the ordinary expense of government.

With this view of the subject *alone*, it would appear to warrant the consumption of the principal of the general fund as occasion might require, leaving us to depend upon the revenue hereafter derived from canals for the support of government.

But it must not be forgotten that there are many sections of the state, from their isolated and sequestered situation, have a right to expect that, in due time, they will be accommodated by such internal improvements as the different sections may severally be adapted to. And as all the different parts of the state have, in a greater or lesser degree, contributed towards the construction of those great works that promise with so much certainty such an abundant revenue, it is no more than reasonable and just towards those sections wanting internal improvements; while it is perfectly consistent with the ultimate interest of the state to leave the revenue hereafter to be derived from the canals, to be appropriated to the construction of such new works of internal improvement as will be necessary, useful and proper.

The state of New-York, although she was among the first to commence, and has succeeded in the construction of canals beyond any other state in the Union, and almost beyond any other country, yet she is very far from having accomplished all that is to be expected from her acknowledged enterprise and extensive resources.

As the amount or extent of internal improvements that it may become necessary and proper for the state to undertake, cannot be ascertained at this time with any degree of certainty, or even conjectured. The committee are of opinion, that it is yet altogether too early to anticipate the revenue to be derived from canals, so far as to willingly exhaust the sources of the general fund, and leave the ordinary expenses of government dependent upon the canal revenue, or upon direct taxation. They would therefore recommend as the most prudent and proper course, to raise a sum by a tax that will relieve the general fund from its present embarrassment, and provide for any deficiency that may hereafter occur.

The half mill tax, so called, produced in the year 1826, the sum of $147,534.17, which was the last year it was levied. It is presumed that a similar tax would now produce $165,000, or rising, which would shortly relieve the general fund, and be sufficient to cover any deficiency that might hereafter occur.

The committee have therefore prepared a bill for that purpose, and directed their chairman to ask for leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Eldridge, according to leave, brought in the said bill, entitled "An act to levy a tax of half a mill upon each dollar of the valuation of the real and personal estates in this state;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of the Rochester high school, praying for the passage of a law to authorise them to mortgage their real estate, and for other purposes, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hubbard, from the select committee to whom was referred the petition of sundry inhabitants of the town of Plainfield in the county of Orange, praying for

a certain amendment to the act appointing commissioners to lay out a certain highway in that town, passed April 19th, 1828, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to appoint commissioners to lay out a road from Plainfield to Winfield,' passed April 19th, 1828;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. L. Smith, from the select committee to whom was referred the memorial of the Lyceum of Natural History in the city of New-York, on the expediency of instituting a search for bituminous coal within this state, accompanied with a resolution recommendatory from the common council of said city, reported:

Under the direction of a wise and liberal policy, our state has advanced beyond all parallel in prosperity, and the development of those vast resources which nature has dispensed with a prodigal hand within our limits. The advantages that we now enjoy, and which mark so emphatically our superiority, are but so many incentives to perseverance in the same bright career. The much that we have already accomplished, has but brought us to the threshold of those resources which are constantly evolving, and invite to new enterprise, with all the allurements of honor, and all the stimulus of wealth. To relax now in the discharge of our duty, would be a reproach; and to postpone to a distant period what is imperiously demanded at this time, would be as unwise as it would be indefeasible. Among the many demands upon the legislature for its authority and munificence, that is certainly not the least imposing, which leads to the encouragement of a department of science most likely to result in great public good, and which will find its way to every man's *fire-side*.

From the magnitude of our population, the extent of our manufactures, and the number of our steam-boats, the article of *fuel* constitutes one of the first items in our economy. The constant augmentation of all these great sources of consumption; the consequent diminution of our forests, and the inadequacy of our domestic supply of fuel, commensurate to the present and increasing demand, make it expedient that every facility should be given to remedy this check to our prosperity. So fully sensible of the importance of this matter, was the late distinguished chief magistrate of this state, whose well-stored mind and inquiring eye were often brought to bear successfully upon our honor and interest, that he made it a part of several messages to the legislature; and in his last comprehensive message, it constituted a prominent feature. An honorable member of the present house, as chairman of the committee to whom the matter was referred, made an elaborate and able report, recommending the appointment of a suitable person to conduct geological researches within the state, with a view principally to the discovery of fossil coal, to be defrayed at the expense of the state; which report is on the journals of the last session.

The highly respectable source from which this subject is now brought before the legislature, (the memorial of the Lyceum of Natural History in the city of New-York,) in the estimation of the committee, gives it additional claims to a favorable consideration. The following important facts are taken from this memorial. They constitute so many of the strong points of the case, lucidly arranged, and briefly, yet cogently urged, that the committee have adopted them as the best report they can make; believing that the legislature are so well aware of the sound policy of undertaking this measure, that they require no elaborate argument to prove its importance and necessity.

They would respectfully state that they have been long satisfied of the probable existence of bituminous coal in this state, in situations and in quantities offering the strongest inducements for instituting a research for that valuable fuel, upon the approved principles derived from the science of geology, which teaches that all the extensive and profitable beds of bituminous coal which have hitherto been worked, are found in a constant relation to, or connection with, other mineral formations analogous to those known to exist in this state. Accident has already disclosed many seams of bituminous coal in this state; but

the quantity contained in them has been insufficient to warrant their being worked; and they are not only to be considered as indications of more abundant beds within the reach of a vigorous and skilful research. The new branch of industry that would ensue upon the opening of coal mines in the western part of this state; the arrestation of the rapid destruction of wood fuel: the abundance and cheapness of the first quality of coal for domestic and manufacturing purposes; the augmentation of the canal revenue for its transportation; the stoppage of the present supply from abroad, and the exportation of it from our own state; all these circumstances are of obvious and immediate application to the reasonableness of the proposition, that no further time should be lost in commencing the investigation.

In respect to the present supply of fuel from abroad, it would not do justice to the subject, if the following statement, which is made from what is deemed sufficient authority, were withheld.

During the seven years preceding the year 1828, and including the years 1821 and 1827, 5,794,116 bushels of bituminous coal were imported into the United States, the whole of which might as well have been furnished by the coal mines of this state, and supplied by the coasting trade from the port of New-York. But this great amount is inconsiderable, when we look to the consumption which an increased population and a reduction of the price would, in a short time, effect. It is estimated that eight hundred millions of bushels of bituminous coal are raised per annum for general purposes in Great Britain.

As to the present annual consumption of coal in the city of New-York, the following approximation may be considered as not far from the truth.

English and Scotch bituminous coal, 20,000 chaldrons; Virginia coal, 20,000 chaldrons; Lehigh and Schuylkill anthracite, 16,000 chaldrons, the average price of which in the New-York market, is $8.53 per chaldron of 36 bushels, making a gross sum of $478,000 per annum, paid out of the state for coal, in the present amount of population. The quantity of Rhode-Island coal consumed, cannot be accurately ascertained, but it is not thought to exceed 4,000 chaldrons, at an average of $6.50 per chaldron.

The consumption of wood fuel in the city of New-York, may be considered as amounting to 280,000 cords; and it is stated in a recent publication, that the steam-boats which ply from New-York, consume annually the additional quantity of 200,000 cords: Valuing the whole 480,000 cords at $5 per cord, and we have a gross amount of $2.400,000 annually expended for wood fuel. It is universally known that this article is becoming scarce, and with a population rapidly pressing upon us, the substitution of coal is the only measure that can save us from the inconveniences of a scarcity of timber.

For these substantial reasons, and from a thorough conviction that it is the province of the legislature to act promptly and liberally upon this subject, the committee recommend that provision be made by law for the appointment of a competent person, skilled in the science of geology, to make the necessary researches within the limits of this state, for the discovery of coal, and for defraying the expenses of the same.

To this end a bill has been prepared, and permission is asked for its introduction.

Ordered, That leave be given to bring in such bill.

Mr. T. L. Smith, according to leave, brought in the said bill, entitled "An act directing geological researches;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. P. C. Fuller, from the select committee to which was referred the report of the canal commissioners upon the petition of David Holmes and others, praying to be relieved from the effects of a dam at the foot of Hemlock lake, reported:

The petitioners pray that the dam in question may be removed, because, by raising the waters of the lake, it causes the overflow and ruin of some two or

three hundred acres of valuable land at the head of the lake; and from the unusual prevalence of sickness since the erection of the dam, particularly during the past season, in the vicinity of the land so flooded, the petitioners believe the raising and keeping up of the waters creates disease, and they state that such is the opinion of physicians in the neighborhood.

The canal commissioners state, that nearly two years ago, one of their superintendents was directed to raise the gates, and draw down the waters of the lake; since which, the waters have not been raised by their permission; and that the waters are not now, and probably never will be, wanted for any purpose connected with the Erie canal: They therefore perceive no objection, on the part of the state, to its removal.

The outlet of this lake is a valuable mill stream. It is stated by the mill owners thereon, to be much benefitted by the dam in question; and the committee are assured in behalf of these men, that they are not only willing to come into any reasonable and equitable arrangement with any and all persons interested, but that they have heretofore applied to the canal commissioners for authority to manage the gate in said dam, according to such mutual arrangement as might be made, but have received no permission so to do. This authority they still wish, on the ground of the great public benefit which might be secured by a judicious use of the surplus waters of the lake. They express an entire willingness to make all reasonable compensation for any injury sustained by the owners of land overflowed; and represent in strong terms, that much injury would be sustained, not by the owners of machinery only, but by the public generally, if an entire removal of the dam were to be determined on.

Under these circumstances, and in the absence of precise information as to the *extent* of injury in either case, the committee are of opinion that they shall best secure a just and satisfactory decision of this question, by referring the whole subject to the judges of the common pleas in the county where the complaint originates; the more so, as there appears to be no particular asperity of feeling, and no circumstances which indicate any other wish than an amicable and fair adjustment of difficulties. In pursuance of this opinion, the committee have prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. P. C. Fuller, according to leave, brought in the said bill, entitled "An act concerning the dam at the foot of Hemlock lake in the county of Livingston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the select committee to which was committed the bill entitled "An act to incorporate the Union society of the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Daniel Carswell," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Ordered, That Mr. Mann have leave of absence for ten days, and Mr. Al Burtis for seven days.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to the duties of the clerk of the police office in the city of New-York;" the engrossed bill entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies," and the engrossed bill entitled "An act for the relief of the heirs and devisees of Jonas C. Baldwin deceased," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act relative to the duties of the clerk of the police office in the city of New-York," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of the heirs and devisees of Jonas C. Baldwin deceased," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess," and the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego,'" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Holdridge	Mr. Sheppard
Mr. Austin	Mr. Dygert	Mr. Hubbard	Mr. Sill
Mr. Bacon	Mr. Edgerton	Mr. Hubbell	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Ives	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Jenkins	Mr. A. Smith
Mr. E. Baker	Mr. Falley	Mr. Jones	Mr. H. D. Smith
Mr. Bogert	Mr. Fillmore	Mr. Judd	Mr. L. Smith
Mr. Bostwick	Mr. Fitch	Mr. Keith	Mr. T. L. Smith
Mr. Boynton	Mr. Fleming	Mr. Lindsley	Mr. Soper
Mr. Bradish	Mr. Fowler	Mr. H. W. Livingston	Mr. Speaker
Mr. Brown	Mr. Franklin	Mr. Mathews	Mr. Spier
Mr. Burt	Mr. P. C. Fuller	Mr. M'Crea	Mr. Starr
Mr. Cargill	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tabor
Mr. Carley	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller
Mr. Carrier	Mr. Garnsey	Mr. Mixer	Mr. J. Van Beuren
Mr. Case	Mr. Goodman	Mr. Morell	Mr. P. Van Buren
Mr. Collier	Mr. Gosman	Mr. Norton	Mr. Vanderbilt
Mr. Curtiss	Mr. Graves	Mr. Partridge	Mr. Waring
Mr. Dana	Mr. J. Hall	Mr. Randall	Mr. Waugh
Mr. Dayton	Mr. Hammond	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Hascall	Mr. Sanford	Mr. Willey
Mr. Defreest	Mr. Hazeltine	Mr. Savage	Mr. Williamson
Mr. Dickson	Mr. Hedges	Mr. Scott	Mr. Young 92

Those who voted in the negative are—

Mr. Johnson 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Dickson	Mr. Hubbell	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Ives	Mr. Sloughter
Mr. Austin	Mr. Dygert	Mr. Jenkins	Mr. A. Smith
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. H. D. Smith
Mr. C. Baker	Mr Efner	Mr. Jones	Mr. L. Smith
Mr. E. Baker	Mr. Falley	Mr. Judd	Mr. T. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. Keith	Mr. Soper
Mr. Barnet	Mr. Fitch	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. Fleming	Mr. H. W. Livingston	Mr. Spier
Mr. Bostwick	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Boynton	Mr. Franklin	Mr. Mathews	Mr. Tabor
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr Brown	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller
Mr. Cargill	Mr. Garnsey	Mr. M'Niel	Mr. J. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Dana.	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Dayton	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Dean	Mr. Holdridge	Mr. Savage	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Scott	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to provide for the establishment of a county poor-house in the county of Richmond;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Jones, Mr. Bogert and Mr. Vanderbilt, to consider and report thereon.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising the Mohawk turnpike company to relinquish part of their road," and the bill entitled "An act to alter the name of the town of Clifton in the county of Saratoga," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom was referred by the honorable the Assembly, the petition of John Brown, submit the following report:

The petitioner states that he was the owner of a canal boat called W. J. Lighthall, which boat being loaded with about two thousand bushels of barley, was navigating the Erie canal; when, about the fifteenth day of November last, whilst the boat was descending one of the locks near the Cohoes falls, it settled upon the bick horn of an anvil which lay in the bottom of the lock, and that the said bick horn thrust a hole through the bottom of the boat, by which the water was let in and the cargo injured, and that he was compelled to unload the barley in order to save the same and to repair the boat. He states, also, that the lock-tender knew that the anvil was in the bottom of the lock, and gave no information of the same to those who had charge of the boat. And the petitioner asks of the legislature a full compensation for his loss, alleging that he is in justice and equity entitled to relief.

Numerous claims of a description very like the present, have heretofore, from time to time, been presented to the canal commissioners, but they have been uniformly disallowed.

There is no law which makes the state an insurer against the dangers and risks which may happen to boats, and their lading, on the canals. If those who are engaged in transportation, wish to be insured against the perils of the canal, they may doubtless find companies or individuals who, for an adequate premium, would become underwriters.

If any lock-tender or superintendent should be guilty of gross negligence, in the discharge of his duty, by which boats or property on the canal should be lost or damaged, there can be no doubt but that the party injured could maintain an action at law against such lock-tender or superintendent, to recover the damages; and on such recovery being had, the canal board would doubtless superadd the further penalty of removing the delinquent from office.

But it would not seem to be just, to permit an interested party to fix delinquency upon a public officer, without the officer's having an opportunity to be heard in his defence; nor would it seem to be equitable, even after the delinquency was clearly established, to inflict the penalty of such delinquency upon the community.

Let it be supposed that the state should become responsible for all the accidents and losses which happen to property navigating the canals, and what would be the result? The risk being thus assumed by the state, new competition would be invited in the business of transportation, so that what the state should pay would not benefit those who are engaged in this department of labor.

If the state should supply, at the expense of the treasury, all the horses or the boats which are engaged in transporting property and passengers upon the canals, it would confer no permanent benefit upon those who are engaged in transportation, because competition would in a very short time reduce the profits of this occupation to the level of those in other pursuits.

If an individual, by carelessness or accident, should drop an anvil upon a turnpike road, which should be the cause of injury or loss to another individual who was travelling the same road, can it be pretended that the injured individual could sustain an action against the turnpike company? The injured party in such a case, if he should consult able counsel, would probably be advised to ascertain who had dropped the anvil, and to institute the suit against him who had caused the mischief, on the ground that every man must so use his property as not to injure that of his neighbor.

But the petitioner seems to have adopted a more compendious mode of obtaining redress. Without any effort to ascertain who had dropped the anvil into the lock, it seems to comport with his ideas of justice, to fix the whole delinquency upon the lock-tender, and then instead of exacting any redress from him, the petitioner claims the equity of inflicting the penalty upon the community. This would seem to be bad logic, bad law and worse morality. To punish the innocent for the guilty, is not the most effectual way of enforcing the obligations of duty.

Every wrong is provided with an appropriate remedy by the laws of the land; nor can a lock-tender or any other public officer, claim an exemption from the fulfilment of his social or civic duties, any more than a private individual.

If the petitioner has been injured by the lock-tender, or any other individual, courts of justice will afford him redress; but it would seem to be not only wrong in principle, but a dangerous precedent, to fasten his loss upon the community.

If the canal commissioners become satisfied that the lock-tender is in fault, they will immediately remove him from office; but they will not condemn him unheard; for, after the experience they have had, they are not prepared to yield an unqualified assent to the declarations of an interested individual.

All which is respectfully submitted,

S. YOUNG,
H. SEYMOUR,
WM. C. BOUCK.

30*th March*, 1829.

Ordered, That the said communication, and the documents accompanying the same, be referred to the committee on canals and internal improvements.

Ordered, That the usual number of copies of the said communication be printed for the use of the legislature.

A communication from the cashier of the New-York Dry Dock Company, was read, in the words following, to wit:

BANK OF THE NEW-YORK DRY DOCK COMPANY,
24*th March*, 1829.

Hon. P. ROBINSON,
Speaker of the House of Representatives, &c.

SIR,

In compliance with the 13th section of the charter of the New-York Dry Dock Company, I enclose the statements thereby required.

And am, most respectfully,
Your obedient servant,
WM. STEBBINS, *Cashier.*

Statement of the funds of the New-York Dry Dock Company, New-York, 31st December, 1828, January 1, 1829.

Capital stock paid in,		$700,000 00
Rents, wharfage and nett receipts of rail-ways,		6,462 47
Debt due to the bank of the D. D. Company,		70,244 12
		$776,706 59
Banking capital,	$200,000 00	
Real estate and improvements of do., including buildings, rail-ways, &c.	525,806 29	
Timber, fuel, materials for repairs of vessels, &c.	13,382 19	
Stock and moveables, and office furniture,	2,257 72	
Steam-boats,	8,402 29	
Contingent expenses,	3,610 73	
Bills receivable, cash and debts due the company,	23,253 37	
		776,706 59

Statement of the funds of the Bank of the New-York Dry Dock Company, New-York, 31st December, 1828, 1st January, 1829.

Capital stock,		$200,000 00
Discount received,		7,435 72
Debts due to other banks,		79 58
Notes in circulation,		158,100 00
Debts due to individuals,		10,848 47
		$376,443 77
Banking-house,	$15,000 00	
Bills discounted, and loan to the D. D. Company,	269,622 52	
Notes of other banks, and checks,	54,652 00	
Specie,	8,476 55	
Debts due from other banks,	24,186 01	
Paper, plates, furniture, &c.	2,776 32	
Contingent expenses,	1,730 37	
		376,443 77

STATE OF NEW-YORK, }
City of New-York, } ss.

Ezra Weeks, President, and William Stebbins, Cashier, of the New-York Dry Dock Company, being severally duly sworn, do depose and say, that the annexed statements contain a full and true account of the amount of the capital stock of the said company, appropriated to and employed in the bank of the said company; the amount of debts due to and from the said corporation, distinguishing such debts as may have accrued from banking operations, from the other debts of the corporation; the amount of bills and notes emitted by the said bank, in circulation; and the amount of specie at the time of making the statement, according to the best of their knowledge and belief.

E. WEEKS, *President.*
WM. STEBBINS, *Cashier.*

Sworn this 25th day of March, 1829, before me,
EVERT A. BANCKER,
Commissioner and Notary Public.

Ordered, That the said communication be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

A communication from the canal board was read, in the words following, to wit:

The canal board, to which the honorable the Assembly have referred the petition of Paul Knight, submit the following report:

The petitioner states, that in the year 1826 he became the owner of a valuable mill-seat in the village of Rochester, south of the aqueduct over the Genesee river; that in the same year he made a contract to erect a saw-mill; for which the frame and machinery was prepared and fitted for use, when one of the canal commissioners gave notice that said mill must not be erected, because its erection would be injurious to the aqueduct, by preventing the free passage of water; that in consequence of such notice the mill was not raised, and that he sold the frame, materials and machinery on the best terms he could, but a considerable part of said frame and materials was lost or injured so as to be of little value; that after a lapse of seven months, one of the canal commissioners gave notice to the petitioner that he might erect his saw-mill, excepting a slip on the north end thereof, ten feet wide, which was appropriated to the public use; that after receiving such notice or permission, he erected a saw-mill on the residue of said lot, and completed it in 1827; that by such prohibition and appropriation of said mill lot, he has sustained a loss and damage in the sale of the frame and machinery, of $2,026, and a profit on his mill, if it had been erected, of $1,896.62, and a diminution in the value of his mill, by appropriating a part of his lot to the public use, of $600; that in October last he prepared and signed a petition for the purpose of presenting the same to the canal commissioners and appraisers, in order to obtain relief; that he made diligent inquiry as to the place of residence of the canal cammissioners and appraisers, or at what place or places they could be found, in order that said petition might be handed to them, but that he was unable to obtain correct information as to where they could be found, or how the papers could be sent to them, and that he made several other fruitless efforts to put his petition in the hands of one of the canal commissioners. The petitioner further states, that he is advised and apprehends that the provisions of the forty-ninth section, article third of the ninth chapter, title ninth of the revised statutes, will be deemed by the canal commissioners and appraisers, a reason for declining to estimate and appraise his damages, and that it is very doubtful whether any part of his claim for damages comes within any existing law of the state; wherefore he prays that his claim may be considered by the legislature, and that by special directions his damages may be estimated and appraised by the appraisers or other persons, or that he may have such other relief in the premises as shall be deemed equitable.

It is true that the canal commissioner who had charge of the western section of the Erie canal in 1826, forbid the erection of a saw-mill as stated by the pe-

titioner, for reasons which were then, and are now believed to be just and proper.

The petitioner had located his saw-mill in the bed of the Genesee river, adjoining the aqueduct, and immediately in front of one of the main arches, which he had enclosed with a stone wall so as entirely to prevent the floods of the river from being discharged through it.

The level of the canal where it crosses the Genesee river, is so little elevated above its bed, as to admit of no more than fifty feet space to the arches; and the erection of the necessary piers between them was calculated to lessen the capacity of the channel to discharge the floods of the stream. To obviate this difficulty, the aqueduct was extended over a low and broken piece of ground, on the margin of the west bank of the river, a sufficient distance to admit of nine arches; two of which, on the west bank of the river, have been obstructed by the erection of mills above them, for which no permission, it is believed, was ever given. The remaining arches could not but be considered as indispensably necessary to discharge the floods of the stream; and one of these the petitioner had entirely enclosed for purposes connected with his mill. The commissioner could not, without a manifest violation of duty, have consented that this arch should be converted into a mill race, whereby the security of an important public work, and even the safety of the village of Rochester, would have been jeopardized.

If the petitioner had taken the trouble to inquire of the commissioner or superintendent, he would have readily ascertained that the location of his mill was objectionable, and could not be consented to.

It is believed to be true, as the petitioner states, that he had incurred expenses in procuring materials and machinery for his mill, on the sale of which he may have sustained a loss; but we cannot conceive how this circumstance could justify the commissioner in permitting the erection of his mill where it was attended with so much hazard to the public work, or how it furnishes a claim for damages.

The petitioner's mill-seat was in the bed of the Genesee river, purchased by him several years after the erection of the aqueduct; and how he could have conceived that he would be indulged in closing one of the main apertures under it, or upon what principle he has a claim upon the state for damages, we cannot imagine.

The canal commissioner did consent to the erection of the petitioner's present saw-mill, but it was on the express condition that fifty feet of the wall with which he had enclosed the arch, should be removed, and a space between the mill and aqueduct should be left unobstructed.

The canal appraisers were on a tour of duty on the western section of the Erie canal, in the fall of 1826, at which time the petitioner made application for the payment of his damages, which was refused, because he had purchased his mill-seat after the construction of the aqueduct, and was making his erections under circumstances which were not only obviously objectionable to the most common observer, but a palpable trespass on the public works. It is not now recollected whether he presented his claim in writing, or whether it was definitively passed upon.

If damages have resulted from occupying a part of what the petitioner terms a mill lot, the claim should be regarded as coming from the person who was the proprietor at the time the aqueduct was erected. This person is one of the principal proprietors of the lands on which is situated the village of Rochester, and whose property has been greatly benefitted by the canal. The canal appraisers have uniformly refused to recognize claims coming from those who have purchased property on the line of the canal after its construction, unless presented in the name of the person who was the owner at the time the property was appropriated, To illustrate the propriety of this course, it will only be necessary to state that the law under which the appraisers act, requires them "to make a just and equitable estimate and appraisal of the loss and damage, if any, over and above the benefits and advantages to the respective owners": if then the claim is regarded as coming from the former owner, the increased

value given to his property would have been a full off-set to his claim; if as coming from the person who has purchased after the construction of the canal, there could be no off-set for benefits as against him, because he has already paid the increased value given to it.

It will be seen by the foregoing remarks, that the petitioner has had an opportunity to present his claim, and that the hardship of his case in not having been able, as he says, to ascertain the place of residence of the canal commissioners and appraisers, or how papers could be sent to them, is not entitled to much consideration.

WM. C. BOUCK,
A. C. FLAGG,
S. YOUNG,
A. KEYSER,
HENRY SEYMOUR,
S. WRIGHT, JUN.

March 30, 1829.

Ordered, That the said communication be referred to the committee on canals and internal improvements, and that the usual number of copies thereof be printed for the use of the legislature.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising Martin B. Young to erect a dam across the Canisteo river."

"An act to incorporate the Ithaca and Havana turnpike road company."

"An act to confirm the conveyance of a certain piece of land therein mentioned, to Joseph Howard, junior."

"An act authorising Ann Eliza Babcock to take the maiden name of Seeley."

"An act to authorise the issuing of executions by the justices' court of the city of Schenectady, and for other purposes."

E. T. THROOP.

Albany, *March* 29, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act for the relief of Matthew Brown junior."

"An act authorising the superintendent of light-houses on Lake Ontario, to remove certain obstructions to the light-house at the mouth of the Genesee river."

"An act to continue in force the act authorising Russel Atwater and his associates to erect a toll-bridge over the Black river."

"An act to amend the act entitled 'An act to incorporate the Canajoharie and Sharon turnpike company,' passed February 9th, 1829."

E. T. THROOP.

Albany, *March* 29, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Newtown;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act to authorise the construction of a canal from the

head of Seneca lake to Elmira," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

{AYES 54}
{NAYS 26}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dickson	Mr. Hascall	Mr. Partridge
Mr. Bacon	Mr. Dyckman	Mr. Hazeltine	Mr. Phoenix
Mr. Bailey	Mr. Efner	Mr. Hubbell	Mr. Savage
Mr. C. Baker	Mr. Eldridge	Mr. Jenkins	Mr. Scott
Mr. Bogert	Mr. Fillmore	Mr. Johnson	Mr. Skinner
Mr. Bostwick	Mr. Fitch	Mr. Jones	Mr. H. D. Smith
Mr. Boynton	Mr. Fleming	Mr. Lindsley	Mr. L. Smith
Mr. Bradish	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Burt	Mr. Franklin	Mr. H. W. Livingston	Mr. Spier
Mr. Cargill	Mr. Garbutt	Mr. Mallory	Mr. Tabor
Mr. Case	Mr. Garnsey	Mr. Mathews	Mr. White
Mr. Curtiss	Mr. Graves	Mr. J. M'Donold	Mr. Willey
Mr. Dayton	Mr. J. Hall	Mr. W. M'Donald	Mr. Young
Mr. Defreest	Mr. Hammond		54

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dean	Mr. Ives	Mr. A. Smith
Mr. Austin	Mr. Dygert	Mr. Keith	Mr. Tailor
Mr. Carley	Mr. Edgerton	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. Falley	Mr. Redfield	Mr. Waring
Mr. Collier	Mr. W. Hall	Mr. Seeley	Mr. Waugh
Mr. Dana	Mr. Hedges	Mr. Sloughter	Mr. Wheeler
Mr. Davenport	Mr. Holdridge		26

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relative to general elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, MARCH 31, 1829.

The House met pursuant to adjournment.

The petition of James King, of the town of Pompey in the county of Onondaga, relative to the estate of Thomas King, late of said town, deceased, was read, and referred to the select committee to which was referred the engrossed bill from the Senate for the relief of Betsey Cameron.

The remonstrance of sundry inhabitants of the town of Oppenheim in the county of Montgomery, against the division of that town, was read, and referred to the select committee upon that subject, of which Mr. Burt is chairman.

The remonstrance of sundry inhabitants of the county of Westchester, against annulling the charter of the Eastchester bridge company, was read, and referred to the select committee upon that subject, of which Mr. Dayton is chairman.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Watertown in the county of Jefferson, praying for certain alterations of the law regulating highways, so far as the same relates to said town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tower, from the committee on canals and internal improvements, to whom was referred the petition of Elijah Miller, Silas Bower, Jonathan Hupey, George C. E. Thompson, Elijah Cone, Wing Taber, Gershom Moore, Rowland Day, Artimus Cady, Ambrose Cock, Silas Underwood, and others, of the county of Cayuga, praying for the incorporation of a company by the name and style of the "Owasco and Erie canal company," reported:

That they have had the subject under consideration. The petitioners are desirous that this company should be incorporated, with the view of the construction of a canal from some point upon the Erie canal, in the county of Cayuga, to the outlet of the Owasco lake, on the most feasible route, a distance of about nine miles, and an improvement of the inlet of said lake, so as to make it navigable to the village of Milan, a distance of six miles. The length of the lake is stated at thirteen miles, making a navigable communication through the centre of the south part of this rich and populous county, of twenty-eight miles.

The county of Cayuga contains an enterprising population of near fifty thousand people, enjoying one of the most fertile sections of the state, which is in a high and progressive state of improvement. The village of Auburn, which has a population of from 3.000 to 4.000, is situated upon the outlet of the Owasco lake, seven miles south of the Erie canal. In addition to the well-known enterprise, skill and industry of the population of this village, they have the advantage of the location of one of the first penitentiaries in this or any other country, and which has been brought into repute and usefulness by the exertions and perseverance of some of her own citizens. Added to this artificial advantage, they have a natural one in that of hydraulic power in the use of the outlet of the Owasco lake. In finding its way to the Erie canal, this stream has a descent of a few feet short of three hundred, one half of which is within one mile of the village. And it may be observed, that it embraces the most of the hydraulic power in the county.

The committee are aware that it may be objected, that the usefulness of this stream of water for manufacturing purposes, would preclude its use for a canal; but the petitioners propose an expedient which has, under like circumstances, upon other canals, not only given an abundant supply of water without injury to the hydraulic power, but increased that power.

The Owasco lake is thirteen miles in length, and from one to one and a half in width; for our estimates we assume it at one mile by thirteen. It is proposed to cut down the outlet, and construct a guard lock, so as to be enabled to draw upon it as a reservoir, to the depth of three feet during the dry part of the season; the quantity drawn, to be supplied by the fall and spring freshets.

Three feet in depth, will produce 1,087,257,600 cubic feet of water. Assuming the length of the canal at nine miles, and the supply of water for soakage and evaporation at 50 cubic feet per minute per mile, for 210 days a year, and a passage of 20 boats per day, with the consumption of an entire lock full of water for each boat passing, the consumption of water by the canal would be 220,320,000 cubic feet annually; leaving for hydraulic or manufacturing purposes, 867,937,600 cubic feet. This, divided by 312, the working days of the year, would give a daily supply of 2,781,853 cubic feet over and above the quantity produced by the natural stream. Mill-wrights, and those conversant with hydraulic power, estimate that about 200 cubic feet of water per minute upon an overshot wheel, whose diameter is 20 feet, will propel or turn a pair of mill-stones.

At this rate, the surplus water over what would be wanted for the canal, would drive fourteen pair of mill-stones sixteen hours in the twenty-four, upon every fall or wheel of twenty feet. Admit that ten manufacturing or mill sites were to be occupied in the descent of 300 feet, it would produce an aggregate hydraulic power equal to the driving of *one hundred and forty pair of mill-stones*, sixteen hours out of the twenty-four, the year round. This water power itself, may at some future day be of sufficient value and importance to not only warrant, but pay for this improvement.

The strong objection to this undertaking, is the amount of lockage in so short a distance; but this difficulty is outweighed, in some measure, in the consideration of the advantage to the state prison at Auburn—an establishment in which the state have already invested more than half a million, and to which a considerable portion of the materials wrought by the convicts are now carted up this ascent from the Erie canal, and their wares returned; in the value that would be given to the natural and artificial hydraulic power, and the extended water communication, without expense, thirteen miles by the lake.

At the last session of the legislature, the inspectors of the state prison petitioned the state for an appropriation for the construction of a rail-road from said prison to the Erie canal. Mr. Granger, chairman of the committee on canals and internal improvements, made a lengthy report in favor, which may be found in the journal of last year, page 610, and introduced a bill for its construction, which passed this house, but was lost in the Senate. A bill has this session been introduced into this house for the incorporation of a company to construct the rail-road. If the work is to be undertaken either by a canal or rail-road, the committee should be inclined to give a preference to that of a canal.

The committee of last year seem to have been guided in recommending the rail-road, with the view of the trial of an experiment to test the usefulness of that species of improvement. The committee say, that "the attention of our citizens has but recently been attracted to this species of improvement, and it appears to the committee that the public intelligence in regard to it bears but a limited proportion to the enthusiasm which prevails in its favor. That in particular districts and for particular objects within this state, improvements by rail-roads can be usefully extended, is probably true; but that they can bear a fair competition with well located canals, remains to be proved.

"With this view of the subject, while, in the opinion of the committee, rail-roads are of minor consideration to canals, yet as tributaries to them, and as the means of connecting with the Erie and Champlain canals, those interior waters which cannot otherwise be joined to the existing chain of communications, they will become of vital importance.

"The proposed improvement appears to the committee to present decided advantages for testing this desirable object. By the short distance of seven miles, it will connect this extensive prison establishment with the canal; upon its route is to be found every material for its construction, excepting iron; and

its location is such that it can receive the supervision of the canal commissioners without additional expense to the state."

In addition to the views of that committee, the committee now understand that the first cost of a rail-road, with double tracks or rails, will be more than a canal of the dimensions of the Erie, unless it be through a district of country of extraordinary difficulty of execution. The strong point in favor of the construction of rail-roads, is the want of water to supply a canal. Celerity of movement upon them, with less expense of power, has been urged; this may have its advantage for the conveyance of passengers, or with light and expensive merchandize. It, however, has been found, that the moving power is lessened to a considerable extent if the speed is increased beyond a certain ratio; this is particularly so in horse power. With the locomotive steam engine, the weight of the engine and apparatus, with fuel, water, &c. is a drawback.

It is understood that the proprietors of the Maunch Chunk rail-road upon the Schuylkill, in Pennsylvania, have declared they would construct a canal in the place of their rail-road, if they could command a supply of water. Their descent in about the same distance is 800 feet instead of 300.

A canal from the Erie canal to the foot of Owasco lake, 9 miles, would, without much hesitation, be made for $25,000 per mile, with stone locks complete, and the expense might not extend beyond $20,000 per mile.

The estimated expense of the Boston and Hudson rail-road, is $16,434.77 per mile; that of the Baltimore and Ohio, $25,000 per mile. This project, as yet mostly in theory, will have a fair opportunity of having its utility and usefulness tested by a comparison with the Chesapeake and Ohio canal, as, if both are built, they pass up the same valley parallel to each other.

The length of the Liverpool and Manchester rail-road, England, is 33⅓ miles, and has cost $2.666,666, or more than $80,000 per mile. The total amount of merchandize passing between the two places, is daily more than 1,200 tons; the amount having increased so enormously, and difficulties and high tolls charged by a company holding the exclusive water communication, has induced capitalists to undertake this work.

Tredgold, London edition, page 8, says, "up to this time (1825) rail-ways have been employed with success only in the conveyance of heavy mineral products; and for short distances where immense quantities were to be conveyed. In the few instances where they have been intended for the general purposes of trade, they have never answered the expectations of the projectors."

The comparative power of a horse on a canal and rail-road, is as 3 to 1: this has been settled by experiment. A horse will move thirty tons upon a canal with the same ease as ten upon a level rail-way.

The petitioners have not presented the committee with any survey or estimate of the contemplated work, and in treating of it they are rather inclined to the opinion that it ought to be a state object rather than be committed fully into the hands of a company. They are led to this opinion from the importance of it in connection with the state prison at Auburn, and a question of state policy as to the creation of corporate power and right in perpetuity for the construction of any of our public improvements.

Where this power is created with the view of their holding real estate, as canals, rail-roads, turnpikes, &c., they necessarily must hold in perpetuity, unless the legislature reserve the right to purchase and assume the property by the original law. The question is now, as the committee understand, definitely settled, that rights once granted to an incorporation cannot be changed or taken from them, unless by subsequent contract, or originally so reserved.

In a political point of view, it may not be policy to create these corporations. It has been said that corporations can construct these works with more economy than your public officers. In the view of the committee, this remains to be shown; but admit it so, is there nothing else of which you ought to be saving but your money? nothing else in danger? If that is lost in the construction of your public improvements, some one of the family of the republic will have in most cases found it.

Not so, if by the creation of these corporations you give them undue rights, privileges and influence upon our liberties. They are in effect aristocracies and monopolies.

The passage of laws by this legislature, to create the multiplicity of corporate bodies within and *without* the state, has been and is now admitted to be a growing evil; but it is an evil so extensive, that there is no resisting it.

Judge Kent, in his commentaries upon American law, vol. 2, page 219, says, that "the multiplicity of corporations and the avidity with which they are sought, have arisen in consequence of the power which a large consolidated capital gives them over *business of every kind*, and the facility which the incorporation gives to the management of that capital, and the security which it affords *to the persons of the members and to their property not vested in the corporate stock.* The demands for acts of incorporations is continually increasing, and the propensity is the more striking, as it appears to be incurable, and we seem to have no moral means to resist it."

"All these incorporations are contracts between the government and the company, which cannot ordinarily be affected by legislative interference; and it has been attempted to retain a control over these private incorporations by a clause 'that it shall be lawful for the legislature, at any time thereafter, to alter, modify or repeal the act.'"

It would seem that if the creation of corporate power is to be justified for any purpose, it is that of holding and dealing in personal property and securities, and for limited periods, the legislature holding supervisory control over their conduct. Of this class are banks, insurance companies, lombard companies, and some manufacturing and commercial operations, where investments are not made in real estate. In no case ought they to be allowed to hold any considerable extent, landed or real property.

Give corporate power to an association of men for the construction of a canal or rail-road, or any other spacious object of public improvement, where the amount of the investment shall in the aggregate make one, two or three millions in real estate, they go on and complete the work. Here then would be an investment to be held in perpetuity, by whom? Not by an individual, who, through a long life, had by industry and talent accumulated this vast estate, and at whose decease it would be divided among his half dozen children, rendering harmless its influence on community. The statutes of 1787 of this state, abolishing all feudal tenures, and the descent of landed property by primogeniture, has usually been considered as one of the strong links in the maintenance of our freedom.

The certain and consequent influence, control and direction that the managers of a canal would hold over the destinies of a district of country, through which it should pass, needs only to be mentioned to be seen. Their power and influence would accumulate with increasing years. As may, and frequently is seen, the rights of the citizens change in relation to these incorporations. The rights and privileges once created and given them, remain unalterable. Corporate power created in this country by the British government, whilst we were colonies, with the *privileges* and rights then so granted, will so remain to the holders to the end of time.

The granting of charters by the state to associated companies, gives them a concentrated power and influence, and in consequence gives them extended opportunities and power to monopolize. Who doubts that if a canal of any extent, passing a district of country whose population were dependent upon its use, was under the control of a limited number of men, but whose directors, either in their individual or corporate capacity, would directly or indirectly speculate in the produce or merchandize which would necessarily pass upon its waters? An intentional or accidental derangement of its navigation, would furnish the opportunity; and men who have capital or influence sufficient to make them directors in a company of such magnitude, usually can command the means in their individual capacity to take advantage of such a contingency. Dr. Smith, Say, and other eminent writers upon political economy, consider corporations as possessing the power, and generally using it,

to monopolize to the injury of the freedom of trade and the progress of improvement.

A company once created, and its operation commenced, has advantages over individuals for the acquirement of new grants of power and privilege, or a requisition for funds out of your treasury: and so far as our experience has as yet shown on this head the advance of funds to assist in the prosecution or completion of a work, seems but as consequent upon the granting a charter. From the limited extent of this canal, and the investment therefor, but little may be apprehended from the political influence that the corporation might exercise. And so strongly are the state interested in its construction, from the reasons which have been recapitulated, that there would be no great loss in an appropriation of the public funds, in part or in whole, for the work.

The committee have accordingly prepared a bill for the incorporation of said company; one of the terms of which is, that the state at any time hereafter have the right to repeal the act of incorporation, by paying the original cost of the canal and works connected therewith and ten ten per centum interest; which bill they respectfully ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Tower, according to leave, brought in the said bill, entitled "An act for the incorporation of the Owasco and Erie canal company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill and report be printed for the use of the legislature.

Mr. Jones, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to provide for the establishment of a county poor-house in the county of Richmond," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Bacon, from the committee on trade and manufactures, to which was referred the petition of John M. Betts and others, inhabitants of the county of Otsego, praying for an act of incorporation for the purpose of dressing and manufacturing hemp, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Bacon, according to leave, brought in the said bill, entitled "An act to incorporate the Butternuts and Unadilla hemp manufacturing company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Scott, from the select committee to which was referred the petition of sundry inhabitants of the town of Covert in the county of Seneca, praying for an alteration of the time of distributing their public school money, reported:

That they have had the subject under consideration. The petitioners represent, that under the existing law, it is made the duty of the school commissioners to apportion the public school money on the first Tuesday in April in each year; that being the day on which their annual town-meetings are held, renders it very inconvenient. They further represent, that the sum of money received by the commissioners of common schools of said town, from the trustees of the school lot in said town, is more than the whole amount received from the county treasurer and town collector, and is not due until the first of April in each year; and it is principally due from farmers, who depend upon making the remittances from the avails of their produce, which is not received until about the first of June. The committee are of opinion that the prayer of the petitioners is reasonable, and ought to be granted: They have accordingly prepared a bill, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Scott, according to leave, brought in the said bill, entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several school districts of said town;" which was read the

first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act in relation to firemen in the village of Rochester;" the bill entitled "An act authorising the board of supervisors of the county of Livingston to raise money to build a bridge over Genesee river at Squakie hill;" the bill entitled "An act to authorise the appointment of inspectors of wood and timber in the county of Montgomery;" the bill entitled "An act for the relief of the trustees of the reformed congregation of Galway;" the bill entitled "An act to incorporate the Troy water-works company;" the bill entitled "An act authorising George D. Coles to erect a dock in the town of Oysterbay;" the bill entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing;" the bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax;" and the bill entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act in relation to firemen in the village of Rochester," be referred to a select committee, consisting of Mr. Norton, Mr. Eldridge and Mr. White; that the bill entitled "An act authorising the board of supervisors of the county of Livingston to raise money to build a bridge over Genesee river at Squakie hill," be referred to a select committee, consisting of Mr. P. C. Fuller, Mr. Goodman and Mr. Bailey; that the bill entitled "An act to authorise the appointment of inspectors of wood and timber in the county of Montgomery," be referred to a select committee, consisting of Mr. Randall, Mr. Starr and Mr. Mandeville; that the bill entitled "An act for the relief of the trustees of the reformed congregation of Galway," be referred to a select committee, consisting of Mr. Wheeler, Mr. J. M'Donald and Mr. Mandeville; that the bill entitled "An act to incorporate the Troy water-works company," be referred to a select committee, consisting of Mr. Mallory, Mr. Barnett and Mr. Heermans; that the bill entitled "An act authorising George D. Coles to erect a dock in the town of Oysterbay," be referred to a select committee, consisting of Mr. Jones, Mr. Wyckoff and Mr. Williamson; that the bill entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing," be referred to a select committee, consisting of Mr. Jones, Mr. Wyckoff and Mr. Williamson; that the bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax," be referred to a select committee, consisting of the members attending this house from the city and county of New-York; and that the bill entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray," be referred to a select committee, consisting of Mr. Fleming, Mr. Garbutt and Mr. Willey; to be by the said select committees severally reported complete.

Mr. Jones, from the select committee to whom was referred the petition of sundry inhabitants of the county of Queens, praying that Thomas Garvie may be authorised to erect a wharf opposite his land in said county, reported:

That the petitioner contemplates building a dock or wharf on the waters of the Sound or East river, at or near Hempstead harbour. Much delay is now occasioned to vessels at this place, upon the circumstance of their having to depend on the tide waters in order to discharge their cargoes. And the reason urged in support of the propriety of having a good landing place established here, is, that the shore abounds in clay and other materials adapted to the manufacture of bricks, tile and pottery; and the probability is, that manufacturing

of those articles will be established at this place the moment such wharf should be erected; and further, that it would be of general utility.

It does not appear to the committee that the navigation will be impeded or interrupted in any way, by granting the prayer of the petitioners in relation to said wharf. He proposes to extend his wharf not less than one hundred feet, and not more than three hundred feet, into said harbor.

The committee are of the opinion that the prayer of the petitioner should be granted: they have therefore prepared a bill, and ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oysterbay;" whi h was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Matthews, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned, by the people of this state,' passed 10th March, 1827," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Waugh, from the select committee to which was committed the bill entitled "An act to establish a high school at Newburgh," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Sanford, from the select committee to which was committed the bill entitled "An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bacon, from the select committee to which was committed the bill entitled "An act to incorporate the Rome and New-London turnpike company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, certain papers therein named," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. White, from the select committee to which was committed the bill entitled "An act relative to monies in the hands of overseers of the poor," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Case, from the select committee to which was committed the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association.'" reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Noble, from the select committee to which was committed the bill entitled "An act to incorporate the Port Byron and Auburn rail-road company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-orchard point in Hector, Tompkins county, to Big-stream point in the town of Starkey, Yates county," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Dean offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur,) That this Legislature will adjourn on Monday the 20th of April next.

Ordered, That the said resolution be laid upon the table.

Mr. Austin gave notice that he would, on some future day, ask leave to introduce a bill to provide for the support of government, and to do away the necessity of imposing the half mill tax.

The engrossed bill from the Senate, entitled "An act to establish a ferry across the Seneca lake, from the cove on the south side of Peach-orchard point in Hector, Tompkins county, to Big-stream point in the town of Starkey, Yates county," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to the city of Hudson," and find the same correctly engrossed.

The said engrossed bill, entitled "An act relative to the city of Hudson," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Austin	Mr. Falley	Mr. Judd	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. A. Smith
Mr. C. Baker	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bogert	Mr. Franklin	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mallory	Mr. Soper
Mr. Boynton	Mr. W. K. Fuller	Mr. Mathews	Mr. Speaker
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Spier
Mr. Burt	Mr. Gardiner	Mr. J. M'Donald	Mr. Starr
Mr. Cargill	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Carrier	Mr. Graves	Mr. Morell	Mr. Tower
Mr. Case	Mr. Gross	Mr. Myers	Mr. J. Van Beuren
Mr. Curtiss	Mr. J. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Dana	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Davenport	Mr. Hascall	Mr. Paige	Mr. Van Wyck
Mr. Dayton	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Randall	Mr. Wheeler
Mr. Defreest	Mr. Holdridge	Mr. Redfield	Mr. White
Mr. Dickson	Mr. Hubbard	Mr. Ruggles	Mr. Willey
Mr. Dyckman	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Dygert	Mr. Ives	Mr. Scott	Mr. Williamson
Mr. Edgerton	Mr. Jenkins	Mr. Seeley	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the overseers of the poor of the town of Peru to pay over the monies in their hands to the commissioners of highways of said town;" the engrossed bill entitled "An act to incorporate the Union society of the city of New-York;" the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca;'" the engrossed bill entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware;" the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825;" and the engrossed bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Elmira;" and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act to authorise the overseers of the poor of the town of Peru to pay over the monies in their hands to the commissioners of highways of said town," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Union society of the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 96
NAYS 03

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hubbell	Mr. Sill
Mr. Austin	Mr. Dygert	Mr. Ives	Mr. Skinner
Mr. Bacon	Mr. Edgerton	Mr. Johnson	Mr. Sloughter
Mr. C. Baker	Mr. Efner	Mr. Jones	Mr. H. D. Smith
Mr. E. Baker	Mr. Falley	Mr. Judd	Mr. T. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. Keith	Mr. Soper
Mr. Barnet	Mr. Fitch	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. Fowler	Mr. C. L. Livingston	Mr. Spier
Mr. Bostwick	Mr. Franklin	Mr. H.W Livingston	Mr. Starr
Mr. Boynton	Mr. P. C. Fuller	Mr. Mallory	Mr. Tabor
Mr. Bradish	Mr. W. K. Fuller	Mr. Mathews	Mr. Teller
Mr. Brown	Mr. Garbutt	Mr. M'Crea	Mr. Tower
Mr. Burt	Mr. Gardiner	Mr. J. M'Donald	Mr. J. Van Beuren
Mr. Cargill	Mr. Garnsey	Mr. W. M'Donald	Mr. P. Van Buren
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Vanderbilt
Mr. Carrier	Mr. Gosman	Mr. Myers	Mr. Van Wyck
Mr. Case	Mr. Graves	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. Gross	Mr. Norton	Mr. Waugh
Mr. Dana	Mr. J. Hall	Mr. Paige	Mr. Wheeler
Mr. Davenport	Mr. Hammond	Mr. Partridge	Mr. White
Mr. Dayton	Mr. Hascall	Mr. Randall	Mr. Willey
Mr. Dean	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Defreest	Mr. Hedges	Mr. Scott	Mr. Williamson
Mr. Dickson	Mr. Hubbard	Mr. Seeley	Mr. Young 96

Those who voted in the negative are—

Mr. Savage	Mr. A. Smith	Mr. Tailor	3

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 99
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Edgerton	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. H.W. Livingston	Mr. Soper
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker

Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Bradish	Mr. Gardner	Mr. J. M'Donald	Mr. Tabor
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Burt	Mr. Gosman	Mr. M'Niel	Mr. Teller
Mr. Cargill	Mr. Graves	Mr. Mixer	Mr. Tower
Mr. Carley	Mr. Gross	Mr. Myers	Mr. J. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. Waring
Mr. Curtiss	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Dana	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Davenport	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Dayton	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Dean	Mr. Hubbard	Mr. Sanford	Mr. Williams
Mr Defreest	Mr. Hubbell	Mr. Savage	Mr. Williamson
Mr. Dickson	Mr. Ives	Mr. Scott	Mr. Young
Mr. Dyckman	Mr. Jenkins	Mr. Seeley	

99

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	99
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Johnson	Mr. Sill
Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Edgerton	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mallory	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. M'Crea	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. W. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Goodman	Mr. Myers	Mr. Teller
Mr. Burt	Mr. Gosman	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. J. Van Beuren
Mr. Carley	Mr. Gross	Mr. Paige	Mr. P. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Van Wyck
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Waring
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dickson	Mr Jenkins	Mr. Sheppard	

99

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 98
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Judd	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Lindsley	Mr. H. D. Smith
Mr. Austin	Mr. Falley	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bacon	Mr. Fillmore	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Mathews	Mr. Speaker
Mr. E. Baker	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Bradish	Mr. Gardiner	Mr. Mixer	Mr. Teller
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Norton	Mr. J. Van Beuren
Mr. Cargill	Mr. Gosman	Mr. Paige	Mr. P. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Phoenix	Mr. Van Wyck
Mr. Casé	Mr. Hammond	Mr. Randall	Mr. Waring
Mr. Curtiss	Mr. Hascall	Mr. Redfield	Mr. Waugh
Mr. Dana	Mr. Hazeltine	Mr. Sanford	Mr. White
Mr. Davenport	Mr. Hedges	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Johnson	Mr. Sill	Mr. Young
Mr. Dickson	Mr. Jones		

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act authorising the construction of a canal from the head of Seneca lake to Elmira," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

AYES 75
NAYS 31

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Jenkins	Mr. Savage
Mr. Bacon	Mr. Fillmore	Mr. Johnson	Mr. Scott
Mr. Bailey	Mr. Fitch	Mr. Jones	Mr. Sill
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Skinner
Mr. Baragar	Mr. Franklin	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. L. Smith
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mallory	Mr. T. L. Smith
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Soper

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Mr. Bradish	Mr. Gardiner	Mr. J. M'Donold	Mr. Speaker
Mr. Burt	Mr. Garnsey	Mr. W. M'Donald	Mr. Spier
Mr. Cargill	Mr. Goodman	Mr. M'Niel	Mr. Starr
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Tabor
Mr. Case	Mr. Gross	Mr Myers	Mr. Tower
Mr. Curtiss	Mr. J. Hall	Mr. Norton	Mr. J. Van Beuren
Mr. Dayton	Mr. Hammond	Mr. Paige	Mr. White
Mr. Defreest	Mr. Hascall	Mr. Partridge	Mr. Willey
Mr. Dickson	Mr. Hazeltine	Mr. Phoenix	Mr. Williams
Mr. Dyckman	Mr. Hubbard	Mr. Randall	Mr. Young
Mr. Efner	Mr. Hubbell	Mr. Sanford	75

Those who voted in the negative are—

Mr. Al Burtis	Mr. Edgerton	Mr. M'Crea	Mr. P. Van Beuren
Mr. Austin	Mr. Falley	Mr. Noble	Mr. Vanderbilt
Mr. E. Baker	Mr. Gosman	Mr. Redfield	Mr. Van Wyck
Mr. Brown	Mr. W. Hall	Mr. Seeley	Mr. Waring
Mr. Carrier	Mr. Hedges	Mr. Sloughter	Mr. Waugh
Mr. Dana	Mr. Ives	Mr. A. Smith	Mr. Wheeler
Mr. Dean	Mr. Judd	Mr. Tailor	Mr. Williamson
Mr. Dygert	Mr. Keith	Mr. Teller	31

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Pursuant to the act in such cases made and provided, and in conformity with the concurrent resolution of the Senate and Assembly, the Assembly proceeded to nominate three regents of the university of this state, in the place of Martin Van Buren and Samuel A. Talcott, resigned, and John Tayler, deceased; when each member present openly nominated as follows:

For John Keyes Paige.

Mr. Al Burtis	Mr. Defreest	Mr Jenkins	Mr. Savage	
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Seeley	
Mr. Austin	Mr. Dygert	Mr. Judd	Mr. Sloughter	
Mr. Bacon	Mr. Edgerton	Mr. Keith	Mr. A. Smith	
Mr. C. Baker	Mr. Efner	Mr. Lindsley	Mr. L. Smith	
Mr. E. Baker	Mr. Eldridge	Mr. C. L. Livingston	Mr. T. L. Smith	
Mr. Bogert	Mr. Falley	Mr. Mallory	Mr. Soper	
Mr. Bostwick	Mr. Fitch	Mr. Mathews	Mr. Speaker	
Mr. Boynton	Mr. Franklin	Mr. M'Crea	Mr. Spier	
Mr. Bradish	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tabor	
Mr. Brown	Mr. Gosman	Mr. M'Niel	Mr. Tailor	
Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. Tower	
Mr. Carrier	Mr. W. Hall	Mr. Myers	Mr. J. Van Beuren	
Mr. Case	Mr. Hammond	Mr. Noble	Mr. P. Van Beuren	
Mr. Curtiss	Mr. Hedges	Mr. Paige	Mr. Van Wyck	
Mr. Dana	Mr. Holdridge	Mr. Randall	Mr. Wheeler	
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. White	
Mr. Dayton	Mr. Hubbell	Mr. Ruggles	Mr. Williamson	
Mr. Dean	Mr. Ives	Mr. Sanford	Mr. Young	76

For James Burt.

Mr. Bailey	Mr. Garbutt	Mr. Hazeltine	Mr. Sheppard	
Mr. Dickson	Mr. Garnsey	Mr. Mixer	Mr. Willey	
Mr. Fillmore	Mr. Goodman	Mr. Partridge	Mr. Williams	
Mr. P. C. Fuller	Mr. Hascall	Mr. Scott		15

For John Sudam.

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Seeley
Mr. Allison	Mr. Edgerton	Mr. Jones	Mr. Sloughter
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. L. Smith
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. T. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Soper
Mr. Bogert	Mr. Fowler	Mr. Mathews	Mr. Speaker
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Boynton	Mr. W. K Fuller	Mr. W. M'Donald	Mr. Stanton
Mr. Bradish	Mr Gosman	Mr. M'Niel	Mr. Tabor
Mr. Brown	Mr. J. Hall	Mr. Morell	Mr. Tailor
Mr. Burt	Mr. W. Hall	Mr. Myers	Mr. Tower
Mr. Carrier	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Curtiss	Mr. Hedges	Mr. Paige	Mr. Van Wyck
Mr. Dana	Mr. Holdridge	Mr. Randall	Mr. Waugh
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Wheeler
Mr. Dayton	Mr. Hubbell	Mr. Ruggles	Mr. White
Mr. Dean	Mr. Ives	Mr. Sanford	Mr. Williamson
Mr. Dyckman	Mr. Jenkins	Mr. Savage	Mr. Young 76

For Robert Sedgwick.

Mr. Bailey	Mr. Garnsey	Mr. Mallory	Mr. Scott
Mr. Dickson	Mr. Goodman	Mr. Mixer	Mr. Sheppard
Mr. Fillmore	Mr. Hascall	Mr. Norton	Mr. Willey
Mr. P. C. Fuller	Mr. Hazeltine	Mr. Partridge	Mr. Williams
Mr. Garbutt			17

For James Kent.

Mr. Bacon 1

For James Wadsworth.

Mr Defreest 1

For Ambrose L. Jordan.

Mr. P. Van Beuren 1

For Gerrit Y. Lansing.

Mr. Al Burtis	Mr. Dyckman	Mr. Jones	Mr. A. Smith
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. L. Smith
Mr. Armstrong	Mr. Edgerton	Mr. Keith	Mr. T. L. Smith
Mr. Austin	Mr. Efner	Mr. Lindsley	Mr. Soper
Mr. Bacon	Mr. Eldridge	Mr. C. L. Livingston	Mr. Speaker
Mr. C. Baker	Mr. Falley	Mr. Mathews	Mr. Spier
Mr. E. Baker	Mr. Fitch	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. W. M'Donald	Mr. Tabor
Mr. Boynton	Mr. Franklin	Mr. Morell	Mr. Tailor
Mr. Bradish	Mr. W. K. Fuller	Mr. Myers	Mr. Teller
Mr. Brown	Mr. Gosman	Mr. Noble	Mr. Tower
Mr. Burt	Mr. J. Hall	Mr. Paige	Mr. J. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Randall	Mr. P. Van Beuren
Mr. Case	Mr. Hammond	Mr. Redfield	Mr. Van Wyck
Mr. Curtiss	Mr. Hedges	Mr. Ruggles	Mr. Waugh
Mr. Dana	Mr. Holdridge	Mr. Sanford	Mr. Wheeler
Mr. Davenport	Mr. Hubbard	Mr. Savage	Mr. White
Mr. Dayton	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Jenkins	Mr. Sloughter	Mr. Young
Mr. Defreest	Mr. Johnson		78

For JAMES WADSWORTH.

Mr. Bailey	Mr. Garnsey	Mr. M'Niel	Mr. Scott
Mr. Dickson	Mr. Goodman	Mr. Mixer	Mr. Sheppard
Mr. Fillmore	Mr. Hascall	Mr. Norton	Mr. Willey
Mr. P. C. Fuller	Mr. Hazeltine	Mr. Partridge	Mr. Williams
Mr. Garbutt	Mr. Mallory		

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For ROBERT SEDGWICK.

Mr. Hubbell

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Thereupon,

On motion of Mr. Savage,

Resolved, That Gerrit Y. Lansing and John K. Paige, of the county of Albany, and John Sudam, of the county of Ulster, be, and they are hereby nominated on the part of the Assembly, regents of the university of this state, to fill the vacancies occasioned by the resignation of Martin Van Buren and Samuel A. Talcott, and by the death of John Tayler.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their respective nominations of regents of the university of this state.

Thereupon,

Resolved, That this house do concur with the Senate in the said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

The Senate accordingly attended in the Assembly chamber; and having withdrawn, Mr. Speaker informed the House, that on comparing the nominations of the Senate and Assembly, they were found to agree in the names of John Keyes Paige, John Sudam and Gerrit Y. Lansing.

Thereupon,

On motion of Mr. Savage,

Resolved, That Gerrit Y. Lansing and John K. Paige, of the county of Albany, and John Sudam, of the county of Ulster, be, and they are hereby nominated and appointed regents of the university of this state, in the places of Martin Van Buren and Samuel A. Talcott, resigned, and John Tayler, deceased.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to alter the name of the town of Clifton in the county of Saratoga."

"An act authorising the Mohawk turnpike company to relinquish part of their road."

E. T. THROOP.

Albany, *March* 31, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state."

E. T. THROOP.

Albany, *March* 30, 1829.

A communication from the commissioners of the land-office, was read, in the words following, to wit:

The commissioners of the land-office, on the petition of William D. Ross, referred to them by the Honorable the Assembly, respectfully report:

That in June 1826, the petitioner purchased four lots of land in the Roaring brook tract in the county of Essex, containing 992 acres; paid $58.20, and gave his obligations for $177. He states in his petition, that when he bought those lots, he supposed them to be valuable for the purpose of making charcoal, and has since found that he has been entirely deceived; that they are of little value, and almost inaccessible. He therefore prays that a law may be passed, authorising the commissioners of the land-office to receive his certificates for the lots, to cancel his bonds given for the consideration monies due, and to credit his other accounts for lands purchased of the state, with the $58.20 which he paid as above mentioned.

The commissioners of the land-office are of opinion that the granting of the prayer of the petitioner would set a precedent which policy forbids.

Respectfully submitted,
SIMEON DE WITT, *Surveyor-General.*
A. C. FLAGG, *Secretary.*
SILAS WRIGHT, Jun. *Comptroller.*
GREENE C. BRONSON, *Att'y Gen.*
A. KEYSER, *Treasurer.*

Ordered, That the said communication be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fitch, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relative to general elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spier, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

WEDNESDAY, APRIL 1, 1829.

The House met pursuant to adjournment.

Two several petitions of John Loftus Gilliland and William Maxwell, praying that they may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the city of Albany, praying for the passage of a law authorising the erection of a school district, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Bethany, praying for the passage of a law to authorise the supervisors of the county of Genesee to raise one thousand dollars by tax, for the building and support of bridges. was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of Samuel Pruyn and S. De Witt Bloodgood, reported:

That it appears from the petition, and the papers accompanying the same, that the petitioners are the owners of a building in the city of Albany, called the Atheneum; which, with the lot whereon it stands, is worth about the sum of $32,000: That during the years 1827 and 1828, it has been rated in the tax lists at $23.000; which is alleged to be higher in proportion to its actual value, than other property in the same ward is assessed; and that it was rated so high by mistake, and should have been assessed at $13,000 only.

The committee are satisfied that the property in question has been rated considerably higher in proportion to its value, than other property in the vicinity; but every inequality of this kind may be corrected by application in due season to another tribunal, without the interference of the legislature. Inequalities in taxation must constantly occur; and should the legislature attempt to correct them, it would produce an infinity of applications, and occasion an expense greater than the errors to be corrected. As the law very explicity requires property to be assessed at its fair cash value, the present application to reduce the valuation of property which had been rated at less than three-fourths of its value, to a sum equal to about two-fifths of the value, appeared to the committee a little extraordinary; but as it is no part of their duty to inquire into the motives which governed the assessors. they forbear to remark upon the subject. The committee have directed their chairman to submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Hubbard, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies. on the petition of sundry inhabitants of the counties of Schoharie and Greene, praying for the incorporation of the Schoharie and Durham turnpike road company, asked leave to report by bill.

Ordered. That leave be given to bring in such bill.

Mr. Hubbard, according to leave, brought in the said bill, entitled "An act to incorporate the Cooperstown, Schoharie and Durham turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of sundry inhabitants of the town of Pierrepont in St. Lawrence county, praying authority to divert the poor monies of said town into a school fund, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to authorise the overseers of the poor of Pierrepont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town;"

which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Randall, from the select committee to which was referred a petition, praying for the incorporation of the village of Canajoharie, reported:

That they have given the subject due attention. The village contains nearly one thousand inhabitants, is of small territory and dense population, and situated on the bank of the Erie canal: That the streets in said village require paving, because of the frequent overflowing of the waters of the Mohawk and other streams in the vicinity: That some security is necessary against the dangers to which they are exposed by fires; and that authority is required to make regulations on these and other subjects. They conceive the prayer of the petition reasonable, and therefore ask leave to bring in a bill.

Ordered, That leave be given to bring in such bill.

Mr. Randall, according to leave, brought in the said bill, entitled "An act to incorporate the village of Canajoharie in the county of Montgomery;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fleming, from the select committee to which was committed the bill entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Cargill, from the select committee to which was committed the bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mallory, from the select committee to which was committed the bill entitled "An act to incorporate the Troy water-works company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Norton, from the select committee to which was committed the bill entitled "An act in relation to firemen in the village of Rochester," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the bill entitled "An act to authorise the appointment of inspectors of wood and timber in the counties of Montgomery, Saratoga and Albany," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Case, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the Chenango bridge company," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, all such papers as were deposited in the office of the secretary of state, for safe keeping, under the act of the 21st March 1823;" the engrossed bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" the engrossed bill entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned by the people of this state,' passed March 10th, 1827;" the engrossed bill entitled "An act relative to monies in the hands of overseers of the poor;" the engrossed bill entitled "An act to incorporate the Port Byron and Auburn rail-road company;" the engrossed bill entitled "An act to establish a high school at Newburgh;" the engrossed bill entitled "An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810:" the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association,'" and the engrossed bill entitled "An act to incorporate the Rome and New-London turnpike company;" and find the said bills correctly engrossed.

The said engrossed bill, entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, all such papers as were deposited in the office of the secretary of state, for safe keeping, under the act of the 21st March 1823," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned by the people of this state,' passed March 10th, 1827," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to monies in the hands of overseers of the poor," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Port Byron and Auburn rail-road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Lindsley	Mr. Sloughter
Mr. Armstrong	Mr. Fillmore	Mr. H.W Livingston	Mr. A. Smith
Mr. Austin	Mr. Fowler	Mr. Mallory	Mr. H. D. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Bailey	Mr. W. K. Fuller	Mr. Mathews	Mr. T. L. Smith
Mr. C. Baker	Mr. Garbutt	Mr. M'Crea	Mr. Soper
Mr. E. Baker	Mr. Gardiner	Mr. J. M'Donald	Mr. Spier
Mr. Bogert	Mr. Garnsey	Mr. Mixer	Mr. Stanton
Mr. Bostwick	Mr. Goodman	Mr. Morell	Mr. Starr
Mr. Boynton	Mr. Gross	Mr. Myers	Mr. Tabor
Mr. Bradish	Mr. W. Hall	Mr. Noble	Mr. Tailor
Mr. Brown	Mr. Hammond	Mr. Norton	Mr. Teller
Mr. Burt	Mr. Hascall	Mr. Paige	Mr. Tower
Mr. Cargill	Mr. Hazeltine	Mr. Partridge	Mr. J. Van Beuren

Mr. Carley	Mr. Hedges	Mr. Phoenix	Mr. P. Van Buren
Mr. Case	Mr. Holdridge	Mr. Randall	Mr. Vanderbilt
Mr. Collier	Mr. Hubbell	Mr. Redfield	Mr. Van Wyck
Mr. Curtiss	Mr. Hynds	Mr. Sanford	Mr. Waring
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Wheeler
Mr. Dayton	Mr. Jenkins	Mr. Scott	Mr. White
Mr. Dean	Mr. Johnson	Mr. Seeley	Mr. Willey
Mr. Defreest	Mr. Jones	Mr. Sheppard	Mr. Williams
Mr. Dyckman	Mr. Judd	Mr. Sill	Mr. Williamson
Mr. Efner	Mr. Keith	Mr. Skinner	Mr. Young 96

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to establish a high school at Newburgh," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Keith	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. H.W.Livingston	Mr. A. Smith
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. H. D. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Baragar	Mr. W. K. Fuller	Mr. Mathews	Mr. T. L. Smith
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Soper
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Spier
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Stanton
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Starr
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Tabor
Mr. Cargill	Mr. Graves	Mr. Myers	Mr. Tailor
Mr. Carley	Mr. J. Hall	Mr. Noble	Mr. Teller
Mr. Collier	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Curtiss	Mr. Hammond	Mr. Paige	Mr. J. Van Beuren
Mr. Dana	Mr. Hascall	Mr. Partridge	Mr. P. Van Beuren
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. Vanderbilt
Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Waring
Mr. Dean	Mr. Holdridge	Mr. Redfield	Mr. Waugh
Mr. Defreest	Mr. Hubbard	Mr. Ruggles	Mr. Wheeler
Mr. Dickson	Mr. Hubbell	Mr. Sanford	Mr. White
Mr. Dyckman	Mr. Hynds	Mr. Savage	Mr. Willey
Mr. Dygert	Mr. Ives	Mr. Seeley	Mr. Williams
Mr. Edgerton	Mr Jenkins	Mr. Sheppard	Mr. Williamson
Mr. Efner	Mr. Johnson	Mr. Sill	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Edgerton	Mr. Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Austin	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. A. Smith
Mr. E. Baker	Mr. Franklin	Mr. H. W. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. L. Smith
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Soper
Mr. Bradish	Mr. Gardiner	Mr. M'Crea	Mr. Spier
Mr. Brown	Mr. Garnsey	Mr. J. M'Donald	Mr. Stanton
Mr. Burt	Mr. Goodman	Mr. W. M'Donald	Mr. Starr
Mr. Carley	Mr. Gosman	Mr. Mixer	Mr. Tailor
Mr. Case	Mr. Graves	Mr. Morell	Mr. Teller
Mr. Collier	Mr. J. Hall	Mr. Myers	Mr. Tower
Mr. Curtiss	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Dana	Mr. Hammond	Mr. Norton	Mr. Van Wyck
Mr. Davenport	Mr. Hascall	Mr. Paige	Mr. Waring
Mr. Dayton	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Phoenix	Mr. Wheeler
Mr. Defreest	Mr. Hubbard	Mr. Randall	Mr. White
Mr. Dickson	Mr. Hubbell	Mr. Redfield	Mr. Willey
Mr. Dyckman	Mr. Hynds	Mr. Sanford	Mr. Williamson
Mr. Dygert	Mr. Ives	Mr. Scott	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 95
NAYS 00

Those who voted in the affirmative are—

Mr. Allison	Mr. Edgerton	Mr. Jones	Mr. Sloughter
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. T. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Teller
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Noble	Mr. J. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. Graves	Mr. Paige	Mr. Vanderbilt
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Van Wyck
Mr. Curtiss	Mr. Hazeltine	Mr. Phoenix	Mr. Waring
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Waugh
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Wheeler
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. White
Mr. Dean	Mr. Hynds	Mr. Scott	Mr. Willey
Mr Defreest	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr. Dyckman	Mr. Jenkins	Mr. Sheppard	Mr. Young
Mr. Dygert	Mr. Johnson	Mr. Sill	95

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Rome and New-London turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES 80
NAYS 09

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Eldridge	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Mallory	Mr. L. Smith
Mr. Bailey	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. C. Baker	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. E. Baker	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Garbutt	Mr. Morell	Mr. Tailor
Mr. Boynton	Mr. J. Hall	Mr. Myers	Mr. Teller
Mr. Bradish	Mr. W. Hall	Mr. Noble	Mr. Tower
Mr. Brown	Mr. Hammond	Mr. Norton	Mr. J. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. Paige	Mr. P. Van Beuren
Mr. Cargill	Mr. Hedges	Mr. Randall	Mr. Vanderbilt
Mr. Carley	Mr. Hubbard	Mr. Redfield	Mr. Van Wyck
Mr. Dana	Mr. Hubbell	Mr. Sanford	Mr. Wheeler
Mr. Dayton	Mr. Hynds	Mr. Savage	Mr. White
Mr. Dean	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Defreest	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Dyckman	Mr. Johnson	Mr. Sill	Mr. Young 80

Those who voted in the negative are—

Mr. Davenport	Mr. Goodman	Mr. Hascall	Mr. Waugh
Mr. Dickson	Mr. Gosman	Mr. A. Smith	Mr. Willey
Mr. Edgerton			9

Thereupon,

Mr. Dickson made a motion that the house should agree to reconsider the said vote.

Mr. Speaker put the question whether the house would agree to the said motion, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 101
NAYS 02

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. Bacon	Mr. Fitch	Mr. Lindsley	Mr. A. Smith
Mr. Bailey	Mr. Franklin	Mr. H. W. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. Garbutt	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Gardiner	Mr. J. M'Donold	Mr. Stanton
Mr. Boynton	Mr. Garnsey	Mr. W. M'Donald	Mr. Starr
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Tabor
Mr. Brown	Mr. Gosman	Mr. Morell	Mr. Tailor

Mr. Burt	Mr. Graves	Mr Myers	Mr. Teller
Mr. Cargill	Mr. Gross	Mr. Noble	Mr. Tower
Mr. Carley	Mr. J. Hall	Mr. Norton	Mr. J. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Vanderbilt
Mr. Curtiss	Mr. Hazeltine	Mr. Phoenix	Mr. Waring
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Waugh
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. White
Mr. Defreest	Mr. Hynds	Mr. Savage	Mr. Willey
Mr. Dickson	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Dyckman	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Dygert	Mr. Johnson	Mr. Sheppard	Mr. Young
Mr. Efner			

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Those who voted in the negative are—

Mr. Davenport Mr. Edgerton 2

Debates were had upon the said bill; and the question being put whether the house would agree to the final passage of the same, it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 99}
{NAYS 04}

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Falley	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Fillmore	Mr. Keith	Mr. H. D. Smith
Mr. Bacon	Mr. Franklin	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. P. C. Fuller	Mr. H.W.Livingston	Mr. Soper
Mr. C. Baker	Mr. W. K. Fuller	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. Garbutt	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. Gardiner	Mr. Mathews	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. W. M'Donald	Mr. Teller
Mr. Brown	Mr. Graves	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Gross	Mr. Morell	Mr. J. Van Beuren
Mr. Cargill	Mr. J. Hall	Mr. Myers	Mr. P. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Norton	Mr. Van Wyck
Mr. Collier	Mr. Hazeltine	Mr. Paige	Mr. Waring
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Waugh
Mr. Dana	Mr. Holdridge	Mr. Phoenix	Mr. Wheeler
Mr. Dayton	Mr. Hubbard	Mr. Randall	Mr. White
Mr. Dean	Mr. Hubbell	Mr. Redfield	Mr. Willey
Mr. Defreest	Mr. Hynds	Mr. Sanford	Mr. Williams
Mr. Dickson	Mr. Ives	Mr. Savage	Mr. Williamson
Mr. Dyckman	Mr. Jenkins	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Johnson	Mr. Seeley	99

Those who voted in the negative are—

Mr. Davenport Mr. Edgerton Mr. Hascall Mr. A. Smith 4

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 17th, 1807," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Johnson	Mr. Skinner
Mr. Armstrong	Mr. Edgerton	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. T. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mathews	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garnsey	Mr. Morell	Mr. Tailor
Mr. Brown	Mr. Goodman	Mr. Myers	Mr. Teller
Mr. Burt	Mr Gosman	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. J. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Van Wyck
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Waring
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Wheeler
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. White
Mr. Dean	Mr. Hubbell	Mr. Scott	Mr. Willey
Mr Defreest	Mr. Hynds	Mr. Seeley	Mr. Williams
Mr. Dickson	Mr. Ives	Mr. Sheppard	Mr. Williamson
Mr. Dyckman	Mr. Jenkins	Mr. Sill	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice, Mr. Paige asked for and obtained leave to bring in a bill entitled "An act to provide for the apportionment of the school money in the city of Schenectady;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Spier asked for and obtained leave to bring in a bill entitled "An act authorising the choice of commissioners of deeds in the several towns of this state, at their annual town-meetings;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Franklin gave notice, that at some future day, he would ask leave to introduce a bill for the relief of the president, directors and company of the Oxford and Lackawaxen turnpike road.

Mr. Hazeltine gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the Chautauque steam-boat company.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to provide for the apportionment of school money in the city of Schenectady," and that the same be referred to a select committee, consisting of Mr. Paige, Mr. Johnson and Mr. Savage.

A communication from S. W. Johnson, inspector of domestic spirits for the city of Albany, was read, in the words following, to wit:

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

A Report of Inspection of Domestic Spirits, by the Subscriber, from the 20th of March 1828, to the present date, viz:

3,882 casks, at 6d. $242 42½

Whiskey, ...	158,258 gallons.
Rum, ...	2,748 "
Gin, ...	2,790 "
Brandy, ...	192 "
Total, ...	163,988 gallons.

S. W. JOHNSON, *Inspector.*

Albany, March 20, 1829.

Ordered, That the same be laid upon the table.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom the honorable the Assembly have referred the petition of Thomas Hitchcock, Samuel Holliday and Simon Danforth, respectfully report:

That the petitioners represent that they are the owners of land in the village of Canistota, contiguous to which there has been a waste-weir constructed on the Erie canal, for the purpose of discharging its surplus water; that in consideration of various conversations and acts of the agents and officers of the state, who were employed upon the canal, tending to impress them, and those from whom some of them derive their title, that they were to have the use of the surplus water drawn over said waste-weir; and in consideration of the persons from whom the petitioners derive their title, having relinquished all claim for damages on account of the occupancy of their lands by the Erie canal, and of the use of the Canistota creek, which run over their land, as a feeder to said canal, the petitioners believed that they were justly entitled to the use of the surplus water, and under such belief, they have constructed a dam and embankment, and have created thereon a saw-mill and a bark-mill, connected with an extensive tannery.

They further represent, that the canal commissioners advertised and sold, at public auction, the surplus water on that part of the canal which extends from Brandy brook, in the town of Verona, to New Boston, in the town of Sullivan, which included the surplus water at the aforesaid waste-weir; that intending to purchase the water at this sale, several persons attended on the request, and in behalf of the petitioners; that one Eber Dunham bid for the water, in opposition to them, when an arrangement was entered into, by which it was understood and agreed, that the water should be bid off by the said Dunham, and be divided and drawn at two places, one half by the said Dunham, and the other half by the petitioners; that Dunham conveyed a right to one half of the waters to Ichabod Spencer of Canistota, who, since that time, refuses to convey to the petitioners, and denies them any right or interest therein. In consequence of which, their mills and property are much diminished in value; and in consideration of all the circumstances of their case, the petitioners ask the legislature to grant them relief.

Within the limits of that portion of the canal which are mentioned by the petitioners, there were three waste-weirs, and below each were erected mills, which drew their supply of water from the canal. The owners of these mills severally claimed a right, in preference to each other, to use the surplus water; and during winter, when the water was lowered in the canal, and the waste water could not be so equally divided as during summer, it became the subject of contention among them, each one of whom founded his claim upon some al-

leged understanding, agreement or encouragement which he had, at some early period, received from some of the public agents.

Of the grounds on which those pretensions were founded, the present canal commissioners have no personal knowledge; but from what they have understood of them, they by no means justify the expectations which they appear to have raised in the minds of the petitioners, in whose case, they appear to have been mostly speculations on the advantages which they, or those from whom they have purchased, were to derive from the canal, which from its location and plan of construction, would create a water power and cause a village to grow up upon their lands; speculations which have, in truth, been fully realized, so far, at least, as relates to the village and the enhanced value of their lands.

The petitioners claim a right to this water power, on the ground that they were entitled to the surplus water of the Canistota creek, which had been taken into the canal from their lands. But this creek is a small stream, not sufficient to carry a mill during the year, and the surplus which might be considered as derived from it, would be too small to answer any valuable purpose; and the water which has been used several years by the petitioners, has been mostly drawn from other creeks and feeders.

The commissioners, satisfied that the state was justly entitled to compensation for the use of the water power which it had created at its own expense, and desirous of settling the contention which had arisen among the claimants, advertised the water, and sold it, in August, 1827, according to the then provisions of the statutes. It was struck off at auction, to Eber Dunham and Ichabod Spencer, who had permission to draw one half of it at Oneida creek, and the other half at the village of Canistota. This permission was given with a view of enabling the petitioners to purchase it, and to secure to themselves the benefits of its use, in propelling the mills which they had erected. Their failure to accomplish this, seems to have arisen, in a great measure, from their own negligence or credulity.

The petitioners, or some of them, own about one half of the ground on which the village of Canistota is situated; and the use of the waters on this ground, is chiefly desired for the purpose of enhancing the value of their village lots. Mr. Spencer, who purchased the water, owns the other half of the village grounds, and has a rival interest. He is willing to purchase the mills of the petitioners, but intends that the principal use of the water shall be made upon his lands, for the purpose of enhancing the value of his lots. To this, the petitioners will not agree, but insist upon the continual use of it upon their land and in their part of the village.

The mills of the petitioners have been erected without any authority or sanction from the canal commissioners, and without any right to use the water from the canal, any longer than they should deem it proper and expedient to discharge the water at the aforesaid waste-weirs. If the petitioners have failed to secure a legal right to use this water, through the deception and fraudulent conduct of Dunham or Spencer, as they appear to intimate, they should seek their remedy in a court of law or equity.

The value of the petititioners' property has been too much enhanced by the construction of the canal, to justify any claim for damages; and the canal commissioners are of opinion, that this case does not require any legislative interposition.

S. YOUNG,
H. SEYMOUR,
WM. C. BOUCK.

1st April, 1829,

Ordered, That the said communication be referred to the committee on canals.

The Senate returned, by their clerk, the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes."

Ordered, That the clerk deliver the said bill to the acting Governor.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report as amended, and it was determined in the affirmative.

AYES	62
NAYS	39

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Judd	Mr. Spier
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. Starr
Mr. Bailey	Mr. P. C. Fuller	Mr. Lindsley	Mr. Tailor
Mr. C. Baker	Mr. Garbutt	Mr. H. W. Livingston	Mr. Teller
Mr. Boynton	Mr. Gardiner	Mr. Mandeville	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Burt	Mr. Gross	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Sanford	Mr. Van Wyck
Mr. Collier	Mr. Hascall	Mr. Scott	Mr. Waring
Mr. Curtiss	Mr. Hazeltine	Mr. Seeley	Mr. Waugh
Mr. Davenport	Mr. Heermans	Mr. Sheppard	Mr. Wheeler
Mr. Defreest	Mr. Holdridge	Mr. Sill	Mr. White
Mr. Dickson	Mr. Hubbard	Mr. Sloughter	Mr. Willey
Mr. Dyckman	Mr. Hynds	Mr. L. Smith	Mr. Williams
Mr. Edgerton	Mr. Ives	Mr. Speaker	Mr. Young
Mr. Efner	Mr. Johnson		

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Those who voted in the negative are—

Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Randall
Mr. Austin	Mr. Falley	Mr. Mathews	Mr. Redfield
Mr. E. Baker	Mr. Fitch	Mr. M'Crea	Mr. Ruggles
Mr. Baragar	Mr. Fowler	Mr. W. M'Donald	Mr. Savage
Mr. Bogert	Mr. Franklin	Mr. Mixer	Mr. Skinner
Mr. Bostwick	Mr. W. K. Fuller	Mr. Myers	Mr. H. D. Smith
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Soper
Mr. Dana	Mr. Hedges	Mr. Norton	Mr. Stanton
Mr. Dayton	Mr. Hubbell	Mr. Paige	Mr. Williamson
Mr. Dean	Mr. Jenkins	Mr. Phoenix	

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Thereupon,

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act relative to general elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sheppard, from the said committee, reported, that the committee had disagreed to the first and only enacting clause of the bill; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

And then the House adjourned until nine o'clock to-morrow morning.

THURSDAY, APRIL 2, 1829.

The House met pursuant to adjournment.

Two several petitions of William Roach and Marmaduke Coyles, praying that they may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Erie, relative to the improvement of Ellicott's creek for slack water navigation, was read, and committed to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of Sterling Ell, in the county of Wayne, praying for a designation of their school lot, and that the state be required to fulfil its contract, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the town of Plainfield in the county of Otsego, against any alteration of a certain road between Plainfield and Winfield, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a bank in that city, by the name and style of the Manufacturers' Bank, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of the trustees of school district number twelve in the town of Attica in the county of Genesee, praying for certain legislative relief as set forth in their petition, was read, and referred to the committee on colleges, academies and common schools.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the counties of Orleans, Genesee and Cattaraugus, for the appointment of commissioners to lay out a public highway from Albion to Olean, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges and the incorporation of turnpike companies, to which were referred the petitions of sundry inhabitants of the counties of Erie and Cattaraugus, for the passage of a law to authorise the supervisors of said counties to raise eight hundred dollars by tax, for the purpose of constructing a bridge across the Cattaraugus creek, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to authorise the supervisors of the counties of Cattaraugus and Erie to raise money to build a bridge over the Cattarangus creek;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Mohawk Bank, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Mohawk Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Mechanics' and Farmers' Bank of the city of Albany, for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Bank of Troy, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Troy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Bank of Geneva, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Geneva;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the county of Monroe, for the incorporation of a new bank, to be located at Rochester, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Monroe Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the county of Niagara, for the incorporation of a bank at Lockport, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Lockport Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Tompkins, for the incorporation of a bank at Ithaca, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Ithaca;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Matthews, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Betsey Cameron," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, on the petition of the trustees of school district number twelve in the town of Attica in the county of Genesee, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act in relation to school district number twelve in the town of Attica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that the same be committed to a select committee, consisting of Mr. Paige, Mr. Skinner and Mr. Dana.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of John Brown, praying compensation for damage done to his canal boat, and the report of the canal commissioners on the same, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Ordered, That the same be laid upon the table.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of Thomas Hitchcock, Samuel Holladay and Simon Danforth, relative to surplus waters, &c. at Canastota, and the report of the canal commissioners thereon, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of Paul Knight for relief, and the report of the canal board on the said petition, reported the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Allison, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to incorporate the East kill turnpike road company;" the bill entitled "An act for the relief of Abraham Chase;" the bill entitled "An act to incorporate the Saratoga county turnpike company;" the bill entitled "An act to incorporate the New-York sacred music society;" the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo, in the county of Erie,' passed April 2d, 1822;" the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813;" the bill entitled "An act to amend an act en-

titled 'An act relative to the road from village of Northampton, in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828;" the bill entitled "An act authorising James E. Jones to erect a dam across the Canisteo river;" and the bill entitled "An act to incorporate the New-Hartford fire company."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to incorporate the East kill turnpike road company," be referred to a select committee, consisting of Mr. Austin, Mr. Seeley and Mr. Soper; that the bill entitled "An act for the relief of Abraham Chase," be referred to a select committee, consisting of Mr. Dana, Mr. Judd and Mr. P. Van Beuren; that the bill entitled "An act to incorporate the Saratoga county turnpike company." be referred to a select committee, consisting of Mr. Hubbard, Mr. Mandeville and Mr. Wheeler; that the bill entitled "An act to incorporate the New-York sacred music society," be referred to a select committee, consisting of Mr. Dyckman, Mr. Bogert and Mr. Al Burtis; that the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo, in the county of Erie,' passed April 2d, 1822." be referred to a select committee, consisting Mr. Fillmore, Mr. Falley and Mr. Burt; that the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813," be referred to a select committee, consisting of Mr. White, Mr. Johnson and Mr. Savage; that the bill entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton, in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828," be referred to a select committee, consisting of Mr. Spier, Mr. Burt and Mr. Wheeler; that the bill entitled "An act authorising James E. Jones to erect a dam across the Canisteo river," be referred to a select committee, consisting of Mr. Dana, Mr. Phœnix and Mr. Fitch; and that the bill entitled "An act to incorporate the New-Hartford fire company," be referred to a select committee, consisting of Mr. Savage, Mr. Bradish and Mr. Bacon, severally to consider and report thereon.

Mr. Paige, from the select committee to which was committed the bill entitled "An act to provide for the apportionment of the school money in the city of Schenectady," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act in relation to school district number twelve in the town of Attica," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Wheeler, from the select committee to which was committed the bill entitled "An act for the relief of the trustees of the Reformed Presbyterian congregation of Galway," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Jones, from the select committee to which was committed the bill entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report o the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Jones, from the select committee to which was committed the bill entitled "An act authorising George D. Coles to erect a dock in the town of Oysterbay," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Holdridge, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the town of Moira, in the county of Franklin, praying the passage of an act to confirm the election of justices of the peace chosen in said town at the last annual election, with a remonstrance of sundry inhabitants of the same place, remonstrating against the passage of an act to confirm the election of justices of the peace chosen in said town at the last general election, reported:

That the committee have had the same under consideration; and from an examination of the petition and remonstrance in the matter referred to them, it appears that Samuel Philips was elected a justice of the peace at the fall election in 1827, agreeably to the act. He was classed, and his term of service fixed at three years. He neglected to take upon himself the office, and when the inspectors of election gave their notice of the number of justices of the peace to be elected at the fall election in 1828, they considered the office as vacant, and gave notice accordingly. On the second day of the election in 1828, contrary to all notions of propriety, and against the provisions and intention of "An act to amend the act regulating elections, and to regulate the election of justices of the peace," the said Samuel Philips took the oath of office as a justice of the peace, and entered upon the duties thereof. By the provisions of the act for regulating elections, passed 17th April 1822, the time for the annual election is fixed for the first Monday in November; and it is made the duty of the inspectors to give notice of such election: And by the provisions of the first section of the act entitled "An act to amend the act regulating elections, and to regulate the election of justices of the peace," passed April 7th, 1827, it is made the duty of the inspectors to state the number of justices of the peace to be voted for by the electors. By the 6th section of the act, it is required of the justices of the peace, when elected, to enter upon the duties of their office respectively, first taking the oath of office on the 1st day of January after they are elected.

Although there is no express provision in the statute concerning such as refuse to accept of the office, yet the committee are of opinion that a neglect to take the oath of office until after the first day of January subsequent to their election, is a refusal to accept the office, and it becomes thereby vacated. But if, in this case, a more liberal construction be extended to Samuel Philips, claiming the office by the election in 1827, and should he be allowed a longer time than the first of January next after his election, to decide whether he will accept the office, still the committee are of opinion that he must signify his determination by an acceptance of the office, before it comes necessary for the inspectors of elections to give notice, previous to the next election, of the number of justices to be elected.

In the present case the justice did not signify his acceptance, or any intention to accept of the office on the first of January, first after his election, nor before the notice by the inspectors of election, designating the number to be elected; but delayed his determination until the second day of the election in the autumn of 1828, one year after he had been elected.

The committee are therefore of opinion, that the office of justice became vacant by the refusal of Samuel Philips, the person elected in the autumn of 1827, to accept the office, and that the persons elected at the annual election in November, 1828, must be considered as legally elected justices of the peace. From this view of the subject matter submitted to the committee, they are of the opinion that any legislative enactment upon the subject is rendered unnecessary, and recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the usual number of copies of the said report be printed for the use of the legislature.

A communication from the canal commissioners was read, in the words following, to wit:

The canal commissioners, to whom the honorable the Assembly have referred the petition of Ogden Mallory, respectfully report:

That the petitioner alleges that he constructed four locks on the Oswego canal, under a contract originally made between Abraham Beaumont & Co. and the canal commissioner; that he was to receive the same price that was to have been paid to the original contractors; that he was informed by the said Abraham Beaumont & Co. that they were not bound to dig the pits, prepare the foundation, puddle, or embank the locks, and that he was confirmed in this particular, by reference to the contract, which, in TERMS, expressed nothing relating thereto; that he was to construct the locks for a specified sum per foot rise; that after he had commenced cutting stone for the locks, he was informed by the engineer on the canal, that it was his duty to dig the pits, and perform all the necessary work, at his own expense; and that the engineer encouraged him to proceed in the execution of his contract, and spoke of an expected alteration in the law, which would authorise the canal board to settle such contract equitably.

And the petitioner further states, that he has not known of any instance, on the middle or western section of the Erie canal, in which the contractor was paid by the foot rise of the lock, that he was bound to dig the pits, prepare the foundation or embank them, without it was so expressed by the terms of his contract; that he made application to the canal board for compensation for this service; that his claim was rejected, wherefore he prays the legislature for relief.

The aforesaid contract was made with Abraham Beaumont & Co. in August, 1825, at the village of Salina, at a public letting of all the work required in the construction of the Oswego canal. The acting commissioner and engineer were both present, and not only gave verbal information of what work would be included in the contract for building the locks, but for the purpose of preventing all misapprehension on that subject, the acting commissioner put upon the side of the house, in which he received proposals, a written specification, which included all the work necessary to complete them, in all respects, like the locks which were then constructed in the village of Salina; and the commissioner was of opinion, that every contractor who was present, and was desirous of contracting for the locks, fully understood that he would be required to dig the pits and prepare the foundations, as well as to perform every other work necessary to their entire completion.

By the terms of the written contract, the contractors were bound to construct the locks, in all respects, similar to the locks already constructed at the village of Salina; for which the commissioners were to pay them at the rate of $700 and $750 per foot rise.

The price of a lock by the foot rise, is always considered as embracing every expense attendant upon its construction and entire completion, unless some exception is expressed.

The commissioners have, however, contracted for the building of locks in various ways. Sometimes they have made contracts with different individuals, for the various kinds of materials required; engaged one man to dig the pits, another to lay the foundations, make the gates and complete the wood and iron work, and employed others to lay up the lock's walls, for which they were paid by the perch; and the commissioners engaged with the lock builders, or those who laid up the lock walls, that the pits should be excavated and the foundations prepared, and all the materials furnished within a specified time; but it was found extremely difficult to perform those engagements, with all the

punctuality which the lock builder required; and the commissioners were subjected to claims for extra allowance, on account of disappointments and detentionswhich had resulted to one contractor on account of the non-performance of another. This led to a gradual change of the system; and we have, in all our latter contracts, required the builder to furnish all the materials, and to perform all the work necessary to the entire completion of the locks.

If there could be any reasonable doubt of the obligation of the petitioner to dig the pits and prepare the foundations, in his engagement to construct the locks, in all respects like those already constructed at Salina, and which were then in full operation, a reference to the obligation on the part of the commissioners would seem to remove it. If the contractors were not bound to dig the pit or prepare the foundation, the commissioners must have been, or the work could not have been accomplished. It would have been most extraordinary, if the contractors had engaged to build these locks, on condition that the commissioners would perform a part of the work, and without which, the remainder of the work could not have been accomplished, and should have signed a contract, in which no mention is made, or is to be inferred, of this important consideration.

The contract was severally signed by Abraham L. Beaumont, Lawrence Barclay and James V. Cole. We can hardly believe all these persons to have been so unmindful of their immediate personal interest, as not to notice an omission so material.

What encouragement the petitioner may have had from the engineer, in the expectation of getting compensation over and above his contract price, we know not; but we can say, that such encouragement was not authorised by the canal commissioner.

The petitioner has probably lost money on his contract; but the ground on which he has placed his claim for relief, we believe, is untenable. The canal board, during the last year, made him an extra allowance of ———, which covered all the losses which he had sustained, excepting such as resulted from the unfavorable terms of his contract; and they refused to allow him any thing on the claim which he now presents to your honorable body.

The commissioners do not consider this case as distinguishable from that of many others, in which the contractors have sustained losses in the performance of work, the value of which they had a fair opportunity of estimating before they signed their contract.

HENRY SEYMOUR,
WILLIAM C. BOUCK.

Albany, April 2, 1829.

Ordered, That the said communication be referred to the committee on canals and internal improvements.

A communication from the attorney-general, was read in the words following, to wit:

The attorney general, to whom was referred by the Assembly the petition of sundry inhabitants of the county of Warren, respectfully reports:

That the petitioners complain that a dam had been erected across the outlet of Lake George, in the county of Essex, which has occasioned the raising of the waters of the lake, and the overflowing of five thousand acres of land in the county of Warren, and produced sickness and disease to an alarming extent: That redress in courts of justice is rendered difficult, from the fact that the nuisance complained of is located in the county of Essex, and the evils resulting from it arise in the county of Warren; and they pray the aid of the legislature.

The attorney-general is of opinion, that no legislative interference is necessary in this case. The law has made ample provision, as well for the punishment of the authors, as the abatement of a public nuisance; and upon the facts stated in this case, the wrong-doers may be indicted and tried, either in the county where the dam is situated, or in that where the injurious consequences are produced: But with a view to the execution of the judgment, in case of con-

viction, (as well as the probable convenience of parties and witnesses,) it would be most proper to proceed in the county where the dam is located.

Respectfully submitted,

GREENE C. BRONSON, *Attorney-General.*

April 2, 1829.

Ordered, That the said communication be laid upon the table.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend an act entitled 'An act granting privileges to the firemen of the city of New-York;'" and the bill entitled "An act to amend the act entitled 'An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state;'" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to amend an act entitled 'An act granting privileges to the firemen of the city of New-York,'" was referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Cargill and Mr. Falley; and the bill entitled "An act to amend the act entitled 'An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state,'" was referred to a select committee, consisting of Mr. Johnson, Mr. White and Mr. Dana, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to extend the charter of the Fort Edward bridge company, passed April 14th, 1626;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. J. M'Donald, Mr. Burt and Mr. E. Baker, to report the same complete.

Two several messages from the Senate, delivered by their clerk, with the bills and copies of the resolutions therein mentioned, were read, informing that they have rejected the bill entitled "An act to enable the trustees of the Reformed Dutch church in the town of Bushwick in the county of Kings, to sell a lot of land lying in the village of Williamsburgh;" and the bill entitled "An act confirming the division of a lot of land owned by the Dutch Reformed churches in the towns of Rochester and Wawarsing, and to enable the consistory of Wawarsing to sell their portion of said lot of land."

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the supervisor and overseers of the poor of the town of Mount-Pleasant in the county of Westchester, to sell the poor-house and farm belonging to said town," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and gaol in said county," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Mr. Johnson, from the committee on canals and internal improvements, to whom was referred the petition of Ogden Mallory, praying compensation for losses sustained by him in the fulfilment of a contract to construct locks on the Oswego canal, and the report of the canal commissioners on the same, reported the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The house then proceeded to the consideration of the resolutions of the Senate, adhering to their amendments to the 23d section of the bill entitled "An act to incorporate the village of Brockport," and in which amendments this house non-concurred.

Thereupon,

Mr. Garbutt made a motion that the house should agree to recede from its resolutions of non-concurrence to the said amendments.

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Garbutt, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	09

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Ives	Mr. Seeley
Mr. Allison	Mr. Dickson	Mr. Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Edgerton	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Eldridge	Mr. Keith	Mr. L. Smith
Mr. Bailey	Mr. Falley	Mr. C. L. Livingston	Mr. Soper
Mr. C. Baker	Mr. Fillmore	Mr. H. W. Livingston	Mr. Spier
Mr. E. Baker	Mr. Fitch	Mr. Mallory	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. Mandeville	Mr. Tailor
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mathews	Mr. Teller
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tower
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Brown	Mr. Gardiner	Mr. Mixer	Mr. P. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Morell	Mr. Vanderbilt
Mr. Cargill	Mr. Goodman	Mr Myers	Mr. Van Wyck
Mr. Carley	Mr. Graves	Mr. Paige	Mr. Waring
Mr. Carrier	Mr. J. Hall	Mr. Partridge	Mr. Wheeler
Mr. Case	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Curtiss	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Dana	Mr. Heermans	Mr. Sanford	Mr. Williams
Mr. Davenport	Mr. Hubbard	Mr. Savage	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Scott	Mr. Young
Mr. Dean			89

Those who voted in the negative are—

Mr. Gosman	Mr. Johnson	Mr. J. M'Donold	Mr. Phoenix
Mr. Holdridge	Mr. Lindsley	Mr. Norton	Mr. Skinner
Mr. Hubbell			9

Thereupon,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house do recede from its resolution of non-concurrence to the amendments of the Senate to the 23d section of the said bill, and have amended the same accordingly.

Mr. Dickson, from the committee appointed under and in pursuance of the 47th rule of this house, to which was referred the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York," reported the following resolution:

Resolved, That the assent of two-thirds of the members elected to each branch of the legislature, is not required to pass the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York."

Thereupon,

Mr. Edgerton made a motion that the house should agree to amend the said resolution, by striking out the word "not."

Debates were had thereon; and the question being put whether the house would agree to the said motion of Mr. Edgerton, it was determined in the affirmative.

AYES	61
NAYS	50

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Ives	Mr. A. Smith
Mr. Austin	Mr. Fitch	Mr. Johnson	Mr. Soper
Mr. Bacon	Mr. Fowler	Mr. Judd	Mr. Speaker
Mr. Bailey	Mr. W. K. Fuller	Mr. Keith	Mr. Spier
Mr. E. Baker	Mr. Garbutt	Mr. H.W Livingston	Mr. Stanton
Mr. Bradish	Mr. Gardiner	Mr. Mallory	Mr. Tailor
Mr. Carley	Mr. Garnsey	Mr. Mathews	Mr. Teller
Mr. Carrier	Mr. Graves	Mr. W. M'Donald	Mr. Tower
Mr. Case	Mr. Gross	Mr. Mixer	Mr. P. Van Beuren
Mr. Curtiss	Mr. J. Hall	Mr. Noble	Mr. Waring
Mr. Davenport	Mr. W. Hall	Mr. Partridge	Mr. Wheeler
Mr. Dean	Mr. Hascall	Mr. Sanford	Mr. White
Mr. Defreest	Mr. Holdridge	Mr. Savage	Mr. Willey
Mr. Dygert	Mr. Hubbard	Mr. Sheppard	Mr. Williamson
Mr. Edgerton	Mr. Hynds	Mr. Sloughter	Mr. Young
Mr. Efner			61

Those who voted in the negative are—

Mr. Allison	Mr. Falley	Mr. C. L. Livingston	Mr. Scott
Mr. C. Baker	Mr. Fillmore	Mr. Mandeville	Mr. Seeley
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Skinner
Mr. Bogert	Mr. Goodman	Mr. J. M'Donald	Mr. H. D. Smith
Mr. Bostwick	Mr. Gosman	Mr. Morell	Mr. T. L. Smith
Mr. Boynton	Mr. Hammond	Mr. Myers	Mr. Starr
Mr. Brown	Mr. Hazeltine	Mr. Norton	Mr. Tabor
Mr. Burt	Mr. Hedges	Mr. Paige	Mr. J. Van Beuren
Mr. Cargill	Mr. Heermans	Mr. Phoenix	Mr. Vanderbilt
Mr. Dana	Mr. Hubbell	Mr. Randall	Mr. Van Wyck
Mr. Dayton	Mr. Jenkins	Mr. Redfield	Mr. Waugh
Mr. Dickson	Mr. Jones	Mr. Ruggles	Mr. Williams
Mr. Dyckman	Mr. Lindsley		50

Thereupon,

The said resolution, as amended, was again read, in the words following, to wit:

Resolved, That the assent of two-thirds of the members elected to each branch of the legislature, is required to pass the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York."

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the affirmative.

Thereupon,

The said bill, entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 88
NAYS 22

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. Allison	Mr. Fowler	Mr. Lindsley	Mr. Sloughter
Mr. Bacon	Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bailey	Mr. Garbutt	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. C. Baker	Mr. Gardner	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Goodman	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. Gosman	Mr. J. M'Donald	Mr. Stanton
Mr. Bogert	Mr. Graves	Mr. W. M'Donald	Mr. Starr
Mr. Bradish	Mr. Gross	Mr. Mixer	Mr. Tabor
Mr. Brown	Mr. J. Hall	Mr. Morell	Mr. Tailor
Mr. Burt	Mr. W. Hall	Mr. Myers	Mr. Teller
Mr. Cargill	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Carley	Mr. Hazeltine	Mr. Norton	Mr. P. Van Beuren
Mr. Carrier	Mr. Hedges	Mr. Paige	Mr. Vanderbilt
Mr. Case	Mr. Heermans	Mr. Phoenix	Mr. Van Wyck
Mr. Curtiss	Mr. Holdridge	Mr. Randall	Mr. Waring
Mr. Dana	Mr. Hubbell	Mr. Ruggles	Mr. Waugh
Mr. Dayton	Mr. Ives	Mr. Sanford	Mr. Wheeler
Mr. Dean	Mr. Jenkins	Mr. Savage	Mr. Willey
Mr. Defreest	Mr. Johnson	Mr. Scott	Mr. Williams
Mr. Dickson	Mr. Jones	Mr. Seeley	Mr. Williamson
Mr. Dyckman	Mr. Judd	Mr. Sheppard	Mr. Young 88

Those who voted in the negative are—

Mr. Armstrong	Mr. Efner	Mr. Hubbard	Mr. Redfield
Mr. Austin	Mr. Eldridge	Mr. Hynds	Mr. A. Smith
Mr. Boynton	Mr. Fillmore	Mr. Mallory	Mr. L. Smith
Mr. Davenport	Mr. Fitch	Mr. Mathews	Mr. Tower
Mr. Dygert	Mr. Garnsey	Mr. Partridge	Mr. White
Mr. Edgerton	Mr. Hascall		22

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act in relation to school district number twelve in the town of Attica;" the engrossed bill entitled "An act to authorise the appointment of inspectors of wood and timber in the counties of Montgomery, Saratoga, Albany and Greene;" the engrossed bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax;" the engrossed bill entitled "An act to incorporate the Troy water-works company," and the engrossed bill entitled "An act to incorporate the village of Smyrna in the county of Chenango," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act in relation to school district number twelve in the town of Attica," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to authorise the appointment of inspectors of wood and timber in the counties of Montgomery, Saratoga, Albany and Greene," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York, to raise money by a tax," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Troy water-works company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 103
NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Fleming	Mr. Lindsley	Mr. A. Smith
Mr. Austin	Mr. Fowler	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bailey	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. W. K. Fuller	Mr. Mallory	Mr. T. L. Smith
Mr. E. Baker	Mr. Garbutt	Mr. Mandeville	Mr. Soper
Mr. Bogert	Mr. Gardiner	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. Goodman	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Graves	Mr. W. M'Donald	Mr. Tabor
Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. Tailor
Mr. Cargill	Mr. W. Hall	Mr. Myers	Mr. Teller
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Tower
Mr. Carrier	Mr. Hascall	Mr. Norton	Mr. J. Van Beuren
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. P. Van Buren
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Vanderbilt
Mr. Dana	Mr. Heermans	Mr. Phoenix	Mr. Van Wyck
Mr. Davenport	Mr. Holdridge	Mr. Randall	Mr. Waring
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Waugh
Mr. Defreest	Mr. Hubbell	Mr. Ruggles	Mr. Wheeler
Mr. Dickson	Mr. Hynds	Mr. Sanford	Mr. White
Mr. Dyckman	Mr. Ives	Mr. Savage	Mr. Willey
Mr. Dygert	Mr. Jenkins	Mr. Scott	Mr. Williams
Mr. Efner	Mr. Johnson	Mr. Seeley	Mr. Williamson
Mr. Eldridge	Mr. Jones	Mr. Sheppard	Mr. Young
Mr. Falley	Mr. Judd	Mr. Skinner	

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the village of Smyrna in the county of Chenango," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 98
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Keith	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Lindsley	Mr. Skinner
Mr. Armstrong	Mr. Falley	Mr. C. L. Livingston	Mr. Sloughter
Mr. Austin	Mr. Fowler	Mr. H. W. Livingston	Mr. A. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Mallory	Mr. H. D. Smith
Mr. C. Baker	Mr. W. K. Fuller	Mr. Mathews	Mr. L. Smith
Mr. E. Baker	Mr. Garbutt	Mr. M'Crea	Mr. T. L. Smith
Mr. Baragar	Mr. Garnsey	Mr. J. M'Donald	Mr. Soper
Mr. Bostwick	Mr. Goodman	Mr. W. M'Donald	Mr. Spier
Mr. Boynton	Mr. Gosman	Mr. Mixer	Mr. Stanton
Mr. Bradish	Mr. Graves	Mr. Morell	Mr. Tabor
Mr. Brown	Mr. J. Hall	Mr. Myers	Mr. Tailor
Mr. Burt	Mr. W. Hall	Mr. Noble	Mr. Teller
Mr. Cargill	Mr. Hammond	Mr. Norton	Mr. Tower
Mr. Carley	Mr. Hascall	Mr. Paige	Mr. P. Van Beuren
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Vanderbilt
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Waring
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. Waugh
Mr. Dana	Mr. Holdridge	Mr. Redfield	Mr. Wheeler
Mr. Davenport	Mr. Hubbard	Mr. Ruggles	Mr. White
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. Willey
Mr Defreest	Mr. Hynds	Mr. Savage	Mr. Williams
Mr. Dickson	Mr. Ives	Mr. Scott	Mr. Williamson
Mr. Dyckman	Mr. Jenkins	Mr. Seeley	Mr. Young
Mr. Dygert	Mr. Johnson		98

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president," and find the same correctly engrossed.

The said engrossed bill from the Senate, entitled "An act directing the manner of choosing electors of president and vice-president," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

The engrossed bill entitled "An act authorising the trustees of the German Reformed sanctity church to sell certain real estate," was read the third time.

Mr. Speaker put the question, whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Ives	Mr. Seeley
Mr. Allison	Mr. Edgerton	Mr. Johnson	Mr. Sheppard
Mr. Armstrong	Mr. Efner	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Keith	Mr. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. T. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. H. W. Livingston	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. Stanton
Mr. Bogert	Mr. W. K. Fuller	Mr. Mandeville	Mr. Starr

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Mr. Bostwick	Mr. Garbutt	Mr. Mathews	Mr. Tailor
Mr. Boynton	Mr. Gardiner	Mr. M'Crea	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr. J. M'Donald	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Graves	Mr. Mixer	Mr. P. Van Beuren
Mr. Cargill	Mr. J. Hall	Mr. Morell	Mr. Vanderbilt
Mr. Carley	Mr. Hascall	Mr. Norton	Mr. Van Wyck
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. White
Mr. Dana	Mr. Holdridge	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hubbard	Mr. Sanford	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Scott	Mr. Young
Mr. Defreest			

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes."

E. T. THROOP.

Albany, *April* 2, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to divide the town of Richmond in the county of Ontario;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Tower, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising the construction of the Crooked lake canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

FRIDAY, APRIL 3, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the counties of Oneida and Herkimer, praying for an extension of the charter of the Utica and Minden turnpike company, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The petition of sundry inhabitants of the town of Ellington in the county of Chautauque, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Bank of Auburn, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Auburn;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Bank of Utica, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Utica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the New-York State Bank, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the New-York State Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Farmers' Bank of Troy, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Farmers' Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president and directors of the Middle District Bank, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Middle District Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the memorial of the president and directors of the Bank of Newburgh, and the petitions of sundry inhabitants of the county of Tompkins, praying for the renewal of the charter of the said bank, and a continuance of its branch at Ithaca, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Newburgh;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry citizens of the city of New-York, praying for the incorporation of a new bank in that city, to be called the Butchers' and Drovers' Bank, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the Butchers' and Drovers' Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the county of Genesee, praying for the incorporation of a bank at Batavia, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Genesee;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the county of Oneida, praying for the incorporation of a bank, to be located at Utica, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of George Vail and others, praying for the incorporation of a bank, to be located at the city of Troy, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank in the city of Troy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry citizens of the city of Albany, praying for the incorporation of a new bank, by the name and style of the Canal Bank of Albany, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Paige from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the counties of Livingston, Genesee, Steuben, Allegany, Cattaraugus and Chautauque, praying for the incorporation of a bank, to be located at Geneseo, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Livingston County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the usual number of copies of the said bill be printed for the use of the legislature.

Mr. Allison, from the select committee to which was committed the bill entitled "An act concerning the Revised Statutes," reported, that the committee had gone through the said bill, altered the title to "An act concerning the revised statutes relative to the town of Haverstraw," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Spier, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Phœnix, from the select committee to which was committed the bill entitled "An act authorising James E. Jones to erect a dam across the Canisteo river," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. White, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his

place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. P C. Fuller, from the select committee to which was committed the bill entitled "An act authorising the board of supervisors of the county of Livingston to raise money to build a bridge over Genesee river at Squakie-hill," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dyckman, from the select committee to which was committed the bill entitled "An act to incorporate the New-York sacred music society," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Austin, from the select committee to which was committed the bill entitled "An act to incorporate the East-kill turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 2d, 1822," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act to incorporate the Saratoga county turnpike company," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. T. L. Smith, from the select committee to which was referred the petition of the subscribers and directors of the Harlæm river canal company, reported:

That a charter was granted to the Harlæm river canal company, by the legislature of this state, on the 16th of April, 1827, for the purpose of cutting and completing a canal in the twelfth ward of the city of New-York, from Spitendeuvel creek to Harlæm river, and to expire at the termination of two years from the passage of the act, should the said canal not be commenced. On the 16th instant, the aforesaid charter will expire, and the condiiton has not been complied with.

The committee are of opinion, that as the object contemplated by this company is likely to result in much public good, and that from causes beyond the control of the company, they have been prevented commencing the work within the time stipulated by the charter, and its forfeiture will consequently ensue; that it is reasonable and proper to extend the time to enable the company to effect the work.

They have accordingly prepared a bill, and have instructed their chairman to ask permission to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. T. L. Smith, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Harlæm river canal

company;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tower, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Saratoga Springs,' passed April 17th, 1826;" the bill entitled "An act for allowing compensation to petit jurors, attending certain courts in the county of Schenectady;" the bill entitled "An act to authorise the commissioners of highways of the town of Otego, to alter a road;" the bill entitled "An act to authorise the overseers ot the poor of the town of Queensbury to sell a certain lot of land;" the bill entitled "An act allowing the president and directors of the Great Island turnpike company to relinquish part of their road;" the bill entitled "An act to give effect to the revised statutes relating to the county of Genesee;" the bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money for the purpose of repairing the jail of said county;" the bill entitled "An act concerning the revised statutes;" and the bill entitled "An act to extend the time for completing the Newtown turnpike road."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Saratoga Springs,' passed April 17th, 1826." be referred to a select committee, consisting of Mr. Wheeler, Mr. Mandeville and Mr. Hubbell; that the bill entitled "An act for allowing compensation to petit jurors, attending certain courts in the county of Schenectady," be referred to a select committee, consisting of Mr. Paige, Mr. Bradish and Mr. Dana; that the bill entitled "An act to authorise the commissioners of highways of the town of Otego, to alter a road," be referred to a select committee, consisting of Mr. Morell, Mr. Collier and Mr. White; that the bill entitled "An act to authorise the overseers of the poor of the town of Queensbury, to sell a certain lot of land," be referred to a select committee, consisting Mr. Randall, Mr. Edgerton and Mr. W. M'Donald; that the bill entitled "An act allowing the president and directors of the Great Island turnpike company, to relinquish part of their road," be referred to a select committee, consisting of Mr. Judd, Mr. Waugh and Mr. Dyckman; that the bill entitled "An act to give effect to the revised statutes relating to the county of Genesee," be referred to a select committee, consisting of Mr. Skinner, Mr. Hascall and Mr. Norton; that the bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money, for the purpose of repairing the jail of said county," be referred to a select committee, consisting of Mr. Hubbell, Mr. Dickson and Mr. Johnson; that the bill entitled "An act concerning the revised statutes," be referred to a select committee, consisting of Mr. Allison, Mr. Hubbell and Mr. W. K. Fuller; and that the bill entitled "An act to extend the time for completing the Newtown turnpike road," be referred to a select committee, consisting of Mr. C. Baker, Mr. Fitch and Mr. Phœnix, severally to consider and report thereon.

Mr. J. M'Donald, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to extend the charter of the Fort Edward bridge company, passed April 14th, 1826," reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

By the unanimous consent of the house, the said bill was ordered to a third reading.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act granting privileges to the firemen of the city of New-York,'" reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

Ordered, That the said bill be read the third time.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend the act entitled 'An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state,'" reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

Ordered, That the said bill and report be laid upon the table.

Mr. Dayton, from the select committee to which was referred the petition of the president and directors of the Eastchester bridge company, and Thomas C. Taylor, praying leave to surrender their corporate rights, and to remove the materials composing the bridge, reported:

It appears to the committee, that the said company was incorporated by an act of the legislature, passed in the year 1812, for the purpose of constructing a toll draw-bridge over Eastchester creek, in the county of Westchester, to which act a supplement was passed in 1814.

Under these acts a bridge was erected, which soon after its completion, was swept away by a flood. On the 12th day of April, 1816, another act was passed, whereby the president and directors of the said company were authorised to sell the remains of the bridge for the benefit of the creditors; and the purchasers and their successors were made a body corporate for the term of forty five years from the passage of the said last mentioned act, with the name, and with all the powers, privileges and immunities conferred upon the original corporation by the two former acts.

The remains of the bridge were accordingly sold, and were purchased by the petitioner Thomas C. Taylor, in conjunction with Benjamin W. Rogers and William Edgar, for the sum of sixteen hundred dollars. The purchasers then proceeded to build a new bridge, at an expense of about ten thousand dollars; after which, the said Thomas C. Taylor purchased the interest of the other two persons named, and became the sole stockholder. Since that time, he has expended four thousand dollars in repairing the bridge, which is liable to frequent and serious injury from storms and the action of a rapid tide, and which, at the present time, would require a further expenditure of two thousand dollars, to make it secure and passable. The tolls which have been received since it was rebuilt, have been barely sufficient to pay for their collection, and to defray the expense of attendance upon the draw.

The bridge was originally erected with a view of having a certain road laid out to communicate with it, which it was expected would attract the eastern travelling; and when the remains from the flood were sold, under the act of 1816, the petitioner states, that the construction of this road was made a condition of the sale, on the part of the sellers, and was stipulated for by those of the original stockholders, who were the owners of farms in Pelham and its vicinity, and who expected to be benefitted by the rebuilding of the bridge. This road, however, has never been formed; and the bridge has served no other purpose than to accommodate a few individuals, residing in the neighborhood, on the side of the creek, and has been a constant burden and a heavy expense to the proprietor.

Under these cirmumstances, the petitioner prays that the legislature will relieve him from the charges and risk to which he is exposed, by allowing him to surrender his corporate rights, and to take away and dispose of the materials of which the said bridge, and the causeway adjoining it, which was also constructed by the same company, are composed.

The committee think it unreasonable, under the facts which have been stated, that the petitioner should be compelled to continue an accommodation to a few persons residing in a particular vicinity, not only without profit to himself, but with a heavy annual loss.

It is also considered just and equitable, that upon the dissolution of the corporation, he should be suffered to remove, for his own benefit, the materials composing the bridge and causeway, which are now his undisputed property, as the sole stockholder, and which were purchased and used for a laudable

purpose, and upon the faith of engagements which have not been fulfilled, upon the performance of which the whole success of the undertaking was known to depend, and the breach of which has subjected him to immense loss.

The committee therefore recommend that the prayer of the petitioner be granted; and they have accordingly prepared a bill, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act for the relief of the Eastchester bridge company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hazeltine, from the select committee to which was referred the petition of Justus Dobbin, reported:

That the petitioner sets forth, that on the 25th of October, A. D. 1826, he, as one of the constables of Ontario county, arrested Loton Lawson, by virtue of a warrant procured by one Stephen Bates, from Jeffrey Chipman, Esquire, against said Lawson, on a charge of kidnapping William Morgan. Lawson was afterwards indicted, and plead guilty to the charge.

On the 9th of the same month, the then governor of this state had issued his proclamation, calling upon all magistrates and ministers of justice to be aiding in the apprehension of the offenders in the case of Morgan; but offering no specific reward. On the 26th, he issued another proclamation, offering a reward of $300 for the discovery of the offenders, and $100 for the discovery of any one of them. This proclamation, the petitioner states, was first known in Canandaigua on the 1st day of November following. On the evening of that day, Joseph Garlinghouse and David C. Bates procured a warrant for the arrest of Nicholas G. Cheesbro and Edward Sawyer of Canandaigua, who immediately entered into recognizance for their appearance at court, were indicted, and plead guilty. At the same time, they procured a warrant for the arrest of John Sheldon, and placed it in the hands of Holloway Hayward, a constable. On the 5th of November, the warrant against Sheldon not having been served, the petitioner procured another, and arrested Sheldon, who was afterwards convicted.

It also appears from the petition, that some time previous to any of these proceedings, the affidavits of respectable persons had been published in Canandaigua, implicating Lawson, Cheesbro and Sawyer in the outrages committed on Morgan; and that Mrs. Hall, the wife of the jailer, at that place, had made known the connection of John Sheldon with those transactions.

After the conviction of these individuals, Joseph Garlinghouse and David C. Bates set up a claim to the reward of three hundred dollars, offered in the governor's proclamation, which was paid to them. The petitioner also presented his claim for the reward, or a portion of it, which was submitted, together with the vouchers in support of it, to the governor, before any payment was made to Garlinghouse and Bates.

If the facts set forth in the petition are true, and the committee have no reason to doubt their authenticity, Messrs. Garlinghouse and Bates received a very ample reward for the services rendered by them in procuring the apprehension and conviction of Lawson, Cheesbro, Sawyer and Sheldon; and they conceive a very liberal construction must have been given to the proclamation of the governor, in allowing them the sum proposed in it, to those who should discover the offenders. The petitioner probably rendered more efficient service in the prosecution of this business, than they did; still, the committee do not, by any means, believe that his case presents such a strong equity as ought to induce the legislature to interfere in his behalf, if the reward were yet unpaid and left to their distribution. In the opinion of the committee, other persons, who have not applied for any share of the reward, did much more in bringing to light the part which the persons above named took in the transactions relative to William Morgan, than did the petitioner or Messrs. Garlinghouse and Bates.

The petitioner undoubtedly has a good claim against the county of Ontario, for his services in arresting Lawson and Sheldon; but the committee think that such services as he sets forth, do not, under the circumstances, entitle him to the interposition of the legislature in his behalf: They therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Bogert gave notice, that on Monday the 13th instant, he would move a call of the house.

Ordered, That Mr. Waugh have leave of absence for eight days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to improve the navigation of the Cattetunk creek," and that the same be referred to a select committee, consisting of Mr. Baragar, Mr. C. Baker and Mr. Dean, to consider and report thereon.

On motion of Mr. Bradish,

Resolved, That the Senate be requested to return to this house, the bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Elmira."

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

The accompanying resolutions have been forwarded to me by the Governor of Louisiana; and at his request, I have the honor to lay them before you.

E. T. THROOP.

Albany, April 3, 1829.

RESOLUTIONS OF THE LEGISLATURE OF THE STATE OF LOUISIANA.

Resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the following amendment to the constitution of the United States, be proposed to the several States of the Union, viz:—That the first section of the second article of the constitution of the United States be so amended, that the President and Vice-President of the United States shall hold their offices for the term of six years, and that the President shall be ineligible afterwards.

Resolved, That the Governor of the State transmit the above resolution to the Governors of the several States, to be by them submitted to their respective Legislatures.

A. B. ROMAN,
Speaker of the House of Representatives.

AD. BEAUVAIS,
President of the Senate.

Approved, February 4, 1829.

P. DERBIGNY,
Governor of the State of Louisiana.

Ordered, That the said resolutions be committed to a committee of the whole, when on the resolutions of the legislatures of the states of Virginia and South Carolina, relative to the powers of the general and state governments; and that the usual number of copies of the same be printed for the use of the legislature.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act concerning the revised statutes relative to the town of Haverstraw;" the engrossed bill entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing;" the engrossed bill entitled "An act authorising George D. Coles to

erect a dock in the town of Oysterbay;" the engrossed bill entitled "An act relative to firemen in the village of Rochester;" the engrossed bill entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray in said county;" the engrossed bill entitled "An act to provide for the apportionment of school money in the city of Schenectady," and the engrossed bill entitled "An act for the relief of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act concerning the revised statutes relative to the town of Haverstraw," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising George D. Coles to erect a dock in the town of Oysterbay," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to firemen in the village of Rochester," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek in the town of Murray in said county," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to provide for the apportionment of school money in the city of Schenectady," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act for the relief of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 98
NAYS 01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Fi lmore	Mr. Keith	Mr. A. Smith
Mr. Austin	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. H. W. Livingston	Mr. T. L. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. Mallory	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. Mandeville	Mr. Spier
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Starr
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Tabor
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Tailor
Mr. Carley	Mr. Graves	Mr. Noble	Mr. Teller
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Tower
Mr. Case	Mr. Hammond	Mr. Paige	Mr. J. Van Beuren
Mr. Curtiss	Mr. Hascall	Mr. Partridge	Mr. P. Van Beuren
Mr. Dana	Mr. Hazeltine	Mr. Phoenix	Mr. Van Wyck
Mr. Davenport	Mr. Hedges	Mr. Randall	Mr. Waring
Mr. Dean	Mr. Holdridge	Mr. Redfield	Mr. Waugh

Mr Defreest	Mr. Hubbard	Mr. Sanford	Mr. Wheeler
Mr. Dickson	Mr. Hubbell	Mr. Savage	Mr. White
Mr. Dyckman	Mr. Hynds	Mr. Scott	Mr. Willey
Mr. Dygert	Mr. Ives	Mr. Seeley	Mr. Williams
Mr. Edgerton	Mr. Jenkins	Mr. Sheppard	Mr. Williamson
Mr. Efner	Mr. Johnson	Mr. Skinner	Mr. Young
Mr. Eldridge	Mr. Jones		

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Those who voted in the negative are—

Mr. Bailey

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to extend the charter of the Fort Edward bridge company, passed April 14th. 1826," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill. and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 86}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Armstrong	Mr. Fillmore	Mr. C. L. Livingston	Mr. A. Smith
Mr. Austin	Mr. Fitch	Mr. H.W. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. M'Crea	Mr. Soper
Mr. Baragar	Mr. Garbutt	Mr. J. M'Donald	Mr. Spier
Mr. Barnet	Mr. Garnsey	Mr. W. M'Donald	Mr. Starr
Mr. Bogert	Mr. Goodman	Mr. Mixer	Mr. Taber
Mr. Bostwick	Mr. Gosman	Mr. Myers	Mr. Tailor
Mr. Boynton	Mr. Graves	Mr. Noble	Mr. Teller
Mr. Bradish	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Burt	Mr. Hammond	Mr. Paige	Mr. J. Van Beuren
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. P. Van Beuren
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. Vanderbilt
Mr. Dana	Mr. Holdridge	Mr. Redfield	Mr. Waring
Mr. Davenport	Mr. Hubbell	Mr. Sanford	Mr. Waugh
Mr. Defreest	Mr. Hynds	Mr. Savage	Mr. White
Mr. Dyckman	Mr. Ives	Mr. Scott	Mr. Willey
Mr. Dygert	Mr. Jenkins	Mr. Seeley	Mr. Williams
Mr. Edgerton	Mr. Johnson	Mr. Sheppard	Mr. Williamson
Mr. Efner	Mr. Jones	Mr. Skinner	Mr. Young
Mr. Eldridge	Mr. Judd		

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Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act granting privileges to the firemen of the city of New-York,'" was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in relation to school district number twelve in the town of Attica," and the bill entitled "An act concerning the revised statutes relative to the town of Haverstraw," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act relative to the Capitol;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Eldridge, Mr Edgerton and Mr. Armstrong, to consider and report thereon.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act in relation to school district number twelve in the town of Attica."

"An act authorising the supervisor and overseers of the poor of the town of Mount-Pleasant in the county of Westchester, to sell the poor-house and farm belonging to said town."

"An act concerning the revised statutes relative to the town of Haverstraw."

E. T. THROOP.

Albany, *April* 3, 1829.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to continue in force an act relative to the court for the trial of impeachments and the correction of errors, passed January 26th, 1825;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to continue the act for the employment of counsel for the purposes therein mentioned;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Salina and Susquehannah rail-road company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, filled the blanks, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising the construction of the Crooked lake canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he

read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until nine o'clock to-morrow morning.

SATURDAY, APRIL 4, 1829.

The House met pursuant to adjournment.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of George Robb, reported:

That it appears by the petition, that the petitioner is the owner of a lot of land in Florida in the county of Montgomery, through which the Erie canal has been constructed: That the canal commissioners appraised his damages, and that he has refused to accept the same, conceiving the assessment to be too low; and that he has just learnt that that the time for appealing, has expired; and praying the passage of a law, to authorise him to appeal to the supreme court.

When the appraisal in this case was made, does not appear, but it must have been prior to the 20th of April 1825, as the law authorising the canal commissioners to appraise was on that day repealed. The petitioner exhibits no proof that he has been aggrieved in the assessment; and the additional amount he claims, as the committee are informed, is very trifling. Under these circumstances, the committee deem it inexpedient to pass an act which would unsettle the law respecting appraisals, and open the door to a multitude of similar applications. They therefore submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dana, from the committee on the judiciary, to which was referred the petition of Samuel Jackson, reported:

That the facts in this case are very similar to those in the case of George Robb, except that the amount of the claim is greater. The committee submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Savage, from the committee on grievances, to which was referred the petition of William L. Perce, praying to be discharged from imprisonment at the suit of the people of the state of New-York, reported:

That they have had the petition under their consideration, and bestowed that attention to it which the merits of the application demands; and have unanimously come to the conclusion that the prayer of the petitioner ought not to be granted, and have directed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Falley, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Canandaigua, praying for certain amendments to the act incorporating that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Falley, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Jefferson County Bank, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Jefferson County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Bank of Albany, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Bank of Columbia, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Columbia;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petition of the president, directors and company of the Central Bank, and the petitions of sundry inhabitants of the county of Otsego, praying for the renewal of the charter of said bank, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Central Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president and directors of the Catskill Bank, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Catskill Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Ontario Bank, praying for the renewal of their charter, and a continuance of their branch at Utica, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Ontario Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Bank of Chenango, praying for a renewal of their charter, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Chenango;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the village of Buffalo in the county of Erie, praying for the incorporation of a bank, to be located in that village, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Buffalo;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry citizens of Schenectady, praying for the incorporation of a new bank, to be located in that city, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Schenectady;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the village of Catskill, praying for the incorporation of a bank, to be located at that place, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of the village of Catskill;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the city of New-York, praying for the incorporation of a bank, to be styled the National Bank, to be located at that place, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the National Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the county of Otsego, praying for the incorporation of a bank, to be located at Cooperstown, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Otsego County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the county of Saratoga, praying for the incorporation of a bank, to be located at Waterford, with a capital of $300,000, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Saratoga County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the county of Onondaga, for the incorporation of a bank, to be located at Syracuse, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Onondaga County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Columbia, for the incorporation of a bank, to be located in the city of Hudson, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Farmers' and Manufacturers' Bank of the city of Hudson;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of sundry inhabitants of the county of Wayne, praying for the incorporation of a bank, to be located at Palmyra, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Wayne County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Eldridge, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the Capitol," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Savage, from the select committee to which was committed the bill entitled "An act to incorporate the New-Hartford fire company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Baragar, from the select committee to which was committed the bill entitled "An act to improve the navigation of the Cattetunk creek," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act for the relief of Abraham Chase," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Morell, from the select committee to which was committed the bill entitled "An act to authorise the commissioners of highways of the town of Otego

to alter a road," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money, for the purpose of repairing the jail of said county," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act to give effect to the revised statutes relating to the county courts in the county of Genesee," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Paige, from the select committee to which was committed the bill entitled "An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the bill entitled "an act to authorise the overseers of the poor of the town of Queensbury to sell a certain lot of land," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Judd, from the select committee to which was committed the bill entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish part of their road," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Gosman, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act for the regulation of vessels lying at anchor in the harbor of New-York;" the bill entitled "An act to incorporate the Ellicott's creek slack water navigation company;" the bill entitled "An act to divide the town of Gerry in the county of Chautauque;" the bill entitled "An act authorising the town of Fort Edward to dispose of certain public monies;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company;'" the bill entitled "An act to alter the name of the First congregational church and society of the town of Worcester in the county of Otsego;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823;" the bill entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge

across the Oak Orchard and Marsh creeks, in the town of Carlton;" and the bill entitled "An act authorising the erection of two poor-houses in the county of Tioga."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act for the regulation of vessels lying at anchor in the harbor of New-York," be referred to a select committee, consisting of Mr. Bogert, Mr. Starr and Mr. Seely; that the bill entitled "An act to incorporate the Ellicott's creek slack water navigation company," be referred to a select committee, consisting of Mr. Fillmore, Mr. Skinner and Mr. Burt; that the bill entitled "An act to divide the town of Gerry in the county of Chautauque," be referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Partridge; that the bill entitled "An act authorising the town of Fort Edward to dispose of certain public monies," be referred to a select committee, consisting of Mr. J. McDonald, Mr. W. McDonald and Mr. McNiel; that the bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company,'" be referred to a select committee, consisting of Mr. Hedges, Mr. Hubbard and Mr. Keith; that the bill entitled "An act to alter the name of the First congregational church and society of the town of Worcester, in the county of Otsego," be referred to a select committee, consisting of Mr. Al Burtis, Mr. Scott and Mr. Hubbell; that the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823," be referred to a select committee, consisting of Mr. Defreest, Mr. Heermans and Mr. Barnett; that the bill entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak Orchard and Marsh creeks, in the town of Carlton," be referred to a select committee, consisting of Mr. Fleming, Mr. Garnsey and Mr. Garbutt; and that the bill entitled "An act authorising the erection of two poor-houses in the county of Tioga," be referred to a select committee, consisting of Mr. Barrager, Mr. Baker and Mr. Dean, severally to consider and report thereon.

Ordered, That Mr. Cargill have leave of absence for seven days, Mr. Dickson for four days, Mr. Van Wyck for three days, Mr. E. Baker for three days, and Mr. Jones for seven days.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" the said report being that the committee had gone through the said bill, made amendments thereto, filled the blanks, and agreed to the same.

Thereupon,

The said report of the committee of the whole being amended by the house, debates were had thereon; and the question being put whether the house would agree to the same as amended, it was determined in the affirmative.

AYES	82
NAYS	19

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Bailey	Mr. Talley	Mr. Johnson	Mr. Scott
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. Sheppard
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. Skinner
Mr. Bogert	Mr. Franklin	Mr. Lindsley	Mr. Sloughter
Mr. Bostwick	Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Boynton	Mr. W. K. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Bradish	Mr. Garbutt	Mr. J. M'Donald	Mr. Speaker

Mr. Burt	Mr. Gardiner	Mr. W. M'Donald	Mr. Spier
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Stanton
Mr. Carrier	Mr. Gosman	Mr. Mixer	Mr. Starr
Mr. Case	Mr. Graves	Mr. Morell	Mr. Tabor
Mr. Curtiss	Mr. Gross	Mr. Myers	Mr. Tower
Mr. Dana	Mr. J. Hall	Mr. Norton	Mr. J. Van Beuren
Mr. Dayton	Mr. W. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Dean	Mr. Hammond	Mr. Partridge	Mr. Vanderbilt
Mr. Defreest	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler
Mr. Dickson	Mr. Heermans	Mr. Randall	Mr. White
Mr. Dyckman	Mr. Hubbard	Mr. Ruggles	Mr. Willey
Mr. Edgerton	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Efner	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Eldridge	Mr. Ives		82

Those who voted in the negative are—

Mr. Armstrong	Mr. Garnsey	Mr. Mann	Mr. L. Smith
Mr. Barnet	Mr. Hascall	Mr. Mathews	Mr. Tailor
Mr. Brown	Mr. Hedges	Mr. Noble	Mr. Waring
Mr. Davenport	Mr. Jenkins	Mr. Redfield	Mr. Williamson
Mr. Dygert	Mr. Mallory	Mr. A. Smith	19

Ordered, That the bill be engrossed.

On motion of Mr. Bradish,

Resolved, That the resolution of this house, requesting the Senate to return the bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Elmira," be, and the same is hereby rescinded.

Mr. T. L. Smith offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the standing committee on the incorporation and the alteration of the charters of banking and insurance companies, to which was referred the petition of the Bank of New-York, Merchants' Bank, Mechanics' Bank, Union Bank, Phœnix Bank, Bank of America, City Bank, and Tradesmen's Bank, all of the city of New-York, for the renewal of their charters, be discharged from the further consideration of the said petitions, and that leave be granted for their withdrawal.

Ordered, That the said resolution be laid upon the table.

The house then proceeded to the consideration of the report of the committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising the construction of the Crooked lake canal;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Debates were had thereon; and the question being put whether the house would agree with the committee of the whole in their report as amended, it was determined in the affirmative.

AYES	66
NAYS	30

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Jenkins	Mr. Savage
Mr. Bacon	Mr. Fillmore	Mr. Johnson	Mr. Scott
Mr. Bailey	Mr. Fitch	Mr. Judd	Mr. Sheppard
Mr. C. Baker	Mr. Franklin	Mr. Keith	Mr. Skinner
Mr. Bostwick	Mr. P. C. Fuller	Mr. Lindsley	Mr. L. Smith
Mr. Boynton	Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. Bradish	Mr. Garbutt	Mr. Mathews	Mr. Speaker
Mr. Burt	Mr. Gardiner	Mr. W. M'Donald	Mr. Spier
Mr. Carrier	Mr. Goodman	Mr. Mixer	Mr. Stanton
Mr. Case	Mr. Gosman	Mr. Morell	Mr. Starr
Mr. Curtiss	Mr. Graves	Mr. Norton	Mr. Tower
Mr. Dana	Mr. J. Hall	Mr. Partridge	Mr. J. Van Beuren
Mr. Dean	Mr. W. Hall	Mr. Phoenix	Mr. P. Van Beuren
Mr. Dickson	Mr. Hascall	Mr. Randall	Mr. White
Mr. Dyckman	Mr. Hazeltine	Mr. Ruggles	Mr. Willey
Mr. Edgerton	Mr. Hubbell	Mr. Sanford	Mr. Young
Mr. Efner	Mr. Ives		66

Those who voted in the negative are—

Mr. Barnet	Mr. Hammond	Mr. M'Crea	Mr. Sloughter
Mr. Bogert	Mr. Hedges	Mr. J. M'Donald	Mr. A. Smith
Mr. Brown	Mr. Holdridge	Mr. M'Niel	Mr. Tailor
Mr. Dayton	Mr. Hubbard	Mr. Myers	Mr. Vanderbilt
Mr. Defreest	Mr. Hynds	Mr. Noble	Mr. Waring
Mr. Dygert	Mr. Mallory	Mr. Paige	Mr. Wheeler
Mr. Falley	Mr. Mandeville	Mr. Redfield	Mr. Williamson
Mr. Garnsey	Mr. Mann		30

Thereupon,

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to divide the town of Richmond in the county of Ontario;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the select committee, on the bill entitled "An act to amend the act entitled 'An act further to extend the time for the payment of monies loaned by the commissioners of loans and loan-officers, to citizens of this state;'" the said report being that the committee had gone through the said bill, agreed thereto, and recommend that the same be ordered to a third reading.

Thereupon,

The report of the committee being amended,

Ordered, That the amendment be engrossed, and the bill read the third time.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Mann; the same was again read, in the words following, to wit:

Resolved, That a committee of eight, one from each senatorial district, be appointed, to select from the general orders of this house, all such bills of public and general importance, as may be necessary to be acted upon during the present session, and report the same from time to time to the house.

Mr. Speaker put the question whether the house would agree thereto, and it was determined in the negative.

In pursuance of previous notice, Mr. Hazeltine asked for and obtained leave to bring in a bill entitled "An act to incorporate the Chautauque steam-boat company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the committee on public lands be discharged from the further consideration of the petition of James Lynch, of the county of Orange, praying for certain legislative relief; and that the said petition be referred to the attorney-general.

Ordered, That Mr. Gosman and Mr. J. M'Donald be added to the committee on engrossed bills.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to provide for the establishment of a county poor-house in the county of Richmond," and that the said bill be committed to a select committee, consisting of Mr. Eldridge, Mr. Vanderbilt and Mr. C. L. Livingston, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act relative to the Brooklyn fire insurance company," and that the said bill be committed to a select committee, consisting of Mr. Skinner, Mr. Wyckoff and Mr. Dayton, to report the same complete.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendment to the engrossed bill entitled "An act to amend the act entitled 'An act further to extend the time for the payment of moneys loaned by the commissioners of loans and loan officers, to citizens of this state,'" and that the same is correctly engrossed.

The said engrossed bill entitled "An act to amend the act entitled 'An act further to extend the time for the payment of moneys loaned by the commissioners of loans and loan officers, to citizens of this state,'" with the engrossed amendment, was read the third time.

Resolved, That the bill and amendment do pass.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have passed the same, with the amendment therewith delivered.

The engrossed bill from the Senate, entitled "An act to continue in force an act relative to the court for the trial of impeachments and the correction of errors," passed January 26th, 1825, was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to continue the act for the employment of counsel for the purposes therein mentioned," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and inform them that this house have passed the same without amendment.

Mr. W. Hall from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton, in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828;" the engrossed bill entitled "An act authorising James E. Jones to erect a dam across the Canisteo river;" and the engrossed bill entitled "An act authorising the supervisors of Livingston county to raise money to build a bridge over the Genesee river at Squakie hill," and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton, in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising James E. Jones to erect a dam across the Canisteo river," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the supervisors of Livingston county to raise money to build a bridge over the Genesee river at Squakie hill," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the East-kill turnpike road company;" the engrossed bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of of the village of Whitesboro', and for other purposes,' passed March 26th, 1813;" the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo, in the county of Erie,' passed April 2d, 1822;" the engrossed bill entitled "An act to incorporate the Saratoga county turnpike company;" and the engrossed bill entitled "An act to incorporate the New-York sacred music society," and find the same correctly engrossed.

Ordered, That the said bills be laid upon the table.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act making certain alterations in the map or plan of the city of New-York;" the bill entitled "An act for the further support and extension of common schools in the city of New-York;" the bill entitled "An act relative to the imprisonment, within the city and county of New-York, of female convicts adjudged to be confined in the state prison;" and the bill entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York to erect a public market, and to lay out and open a public street in the eleventh ward of the said city;" in which bills they request the concurrence of this house.

Thereupon,

The said bills were severally read the first time, and by unanimous consent were also read a second time, and referred to a select committee, consisting of the members attending this house from the city and county of New-York, to consider and report thereon.

The Senate returned by their clerk, the bill entitled "An act to incorporate the village of Brockport," and the bill entitled "An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and gaol in said county."

Ordered, That the clerk deliver the said bills to the acting Governor.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act relative to the city of Hudson;" the bill entitled "An act to authorise the supervisors of the county of Ulster to raise money to build a bridge over the Shawangunk-kill, in the town of Shawangunk in said county;" the bill entitled "An act authorising the supervisors of the county of St. Lawrence to levy a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river, at the village of Ogdensburgh;" and the bill entitled "An act to appoint commissioners to lay out a highway from Fredonia, in the county of Chautauque, to the village of Perry, in the county of Genesee," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Mr. J. M'Donald, from the select committee to which was committed the bill entitled "An act authorising the town of Fort-Edward to dispose of certain public monies," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, APRIL 6, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the town of Williamstown in the county of Oswego, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Bennet Bicknell, John G. Stower and others, of the county of Madison, praying for the incorporation of a bank, to be located at the village of Cazenovia, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The remonstrance of sundry inhabitants of the village of Rochester, against incorporating the same as a city, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Vestal in the county of Broome, praying for the passage of a law requiring notices to be published in cases of applications for dams across the public waters of this state, was read, and referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

The memorial of Robert R. Henry, an inspector of pot and pearl ashes of the city of New-York, praying for certain amendments to the law passed November 14th, 1828, entitled "An act respecting the inspection of pot and pearl ashes, and the duties of inspectors and auctioneers," was read—

Thereupon,

Ordered, That the clerk communicate the said memorial to the Senate.

The memorial of sundry inhabitants of the counties of Erie and Cattaraugus, praying for the passage of a law authorising the supervisors of said counties to raise money by tax for the purpose of constructing a bridge across the Cattaraugus creek, was read, and committed to a committtee of the whole when on the bill upon that subject.

Mr. Bradish, from the committee on public lands, to whom was referred the petition of Abijah Hunt, praying compensation for an alleged deficiency in a patent for bounty lands, reported:

That from an examination of the subject referred to them, it appears that in 1809, letters patent were granted to Archibald McKinley, a soldier of the revolution, for 200 acres of bounty lands, being subdivision No. 2, of lot No. 23, in the town of Sterling. The location of these lands was made by ballot.

Some time after the date of the patent, the petitioner became the purchaser of these lands, without ever having seen them. Upon making a settlement thereon, he finds, as he states in his petition, and as is proven by the affidavit of John McFadden, a surveyor, that 86 acres and 42 hundreths of an acre thereof, are under the water of Little Sodus bay. The petitioner desires to retain one acre and 42 hundreths of an acre of this part of the said patent, as a site for a wharf, and prays for the passage of an act authorising the commissioners of the land-office to grant him letters patent for 85 acres of other lands, to make up the deficiency in the original patent, occasioned by this part thereof being covered with water, as above stated.

In the year 1796, an act was passed, authorising the commissioners of the land-office, in certain cases and on certain conditions, to make up any deficiency there might appear to be in any patent granted for bounty lands. This provision of the act expired, by its own limitation, on the the first of January, 1798; since which time, the committee are not aware that any provision has ever been made by law for any such deficiencies. They are unanimously of opinion that the case of the petitioner does not present any peculiar circumstances of right or equity, that should induce the making of any such provision in his case; and especially as the reasons of general policy are so numerous and manifest against establishing a precedent that could not fail to be exceedingly inconvenient for the future. The committee therefore respectfully recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition, together with the documents accompanying it.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dygert, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry inhabitants of the town of Conewango, in the county of Cattaraugus, for a division of said town, reported:

That the committee have had the said petition under consideration, and in the opinion of said committee, from evidence to be relied on, that the notices for the intended application for the division of said town, has not been given agreeable to the requirement of the statute in such case made and provided. And the committee submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Ives, from the committee on the erection and division of towns and counties, to whom was referred the petition of sundry inhabitants of the town of Barre, in the county of Orleans, reported, that in the opinion of the committee the prayer of the petitioners ought not to be granted, and they would offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted, and that they have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to divide the town of Gerry in the county of Chautauque," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to incorporate the Ellicott's creek slack water navigation company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hedges, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fleming, from the select committee to which was committed the bill entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak-orchard and Marsh creeks in the town of Carlton," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Wheeler, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Saratoga-Springs,' passed April 17th, 1826," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the

same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Defreest, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbard, from the select committee to which was committed the bill entitled "An act to alter the name of the First congregational church and society of the town of Worcester in the county of Otsego," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Baragar, from the select committee to which was committed the bill entitled "An act authorising the erection of two poor-houses in the county of Tioga," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Myers, from the select committee, consisting of the members attending this house from the city and county of New-York, to which was referred the engrossed bill from the Senate, entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York, to erect a public market, and to lay out and open a public street in the eleventh ward of the said city," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Myers, from the select committee, consisting of the members attending this house from the city and county of New-York, to which was referred the engrossed bill from the Senate, entitled "An act for the further support and extension of common schools in the city of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Myers, from the select committee, consisting of the members attending this house from the city and county of New-York, to which was referred the engrossed bill from the Senate, entitled "An act making certain alterations in the map or plan of the city of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Myers, from the select committee, consisting of the members attending this house from the city and county of New-York, to which was referred the engrossed bill from the Senate, entitled "An act relative to the imprisonment within the city and county of New-York, of female convicts adjudged to be confined in the state prison," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

A communication from the attorney-general, was read in the words following, to wit:

The Attorney-General, to whom was referred by the Assembly, the petition of James Lynch, of the county of Orange, respectfully reports:

That the petitioner represents, that the Comptroller, in the year 1816, conveyed to Nathaniel Lynch, sixty-nine acres of land in the county of Clinton, which had been sold for taxes: That Nathaniel Lynch conveyed the land to the petitioner, and he instituted actions of ejectment to recover the possession: That the tenant in possession immediately commenced a suit in chancery, and obtained an injunction staying proceedings at law; and that a decree of the court of chancery has since been made against the petitioner; and he prays that he may be indemnified for the value of the premises and his losses and expenses.

It is not alleged that there was any error in assessing or returning the taxes, or in the sale made by the Comptroller; nor that the title derived under that sale, has in any way proved defective. Nor does it appear upon what ground the petitioner failed in obtaining possession of the land. He may have been defeated in consequence of his own acts, or the acts of his grantor, or by some other means with which the state has no concern; and the Attorney-General has been unable to discover the least foundation for a claim to indemnity or relief of any kind.

Respectfully submitted,
GREENE C. BRONSON, *Attorney-General.*

April 6, 1829.

Ordered, That the said communication be laid upon the table.

Ordered, That Mr. Soper and Mr. Fowler have leave of absence for three days respectively, and Mr. Vanderbilt and Mr. Wyckoff for six days respectively.

Ordered, That the several bills committed to a committee of the whole, for the incorporation of banks and the renewal of bank charters, be the special order of the day for Wednesday next.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act relating to common schools in the city of Albany;" and that the said bill be committed to a select committee, consisting of Mr. Starr, Mr. Skinner and Mr. Stanton, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill from the Senate, entitled "An act relative to the National insurance company;" and that the said bill be committed to a select committee, consisting of Mr. Paige, Mr. C. L. Livingston and Mr. Arnold, to report the same complete.

Mr. Case offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herein,) That the legislature will adjourn on the 23d day of April instant, at one o'clock P. M.

Ordered, That the said resolution be laid upon the table.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the overseers of the poor of the town of Queensbury, in the county of Warren, to sell a certain lot of land;" the engrossed bill entitled "An act to divide the town of Richmond in the county of Ontario;" the engrossed bill entitled "An act for the relief of Abraham Chase;" the engrossed bill entitled "An act authorising the town of Fort-Edward to dispose of certain public monies;" the engrossed bill entitled "An act to give effect to the revised statutes relating to the county courts in the county of Genesee;" the engrossed bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money for the purpose of repairing the jail of said county;" the engrossed bill entitled "An act to improve the navigation of the Cattetunk creek;" and the engrossed bill entitled "An act to authorise the commissioners of highways of the town of Otego to alter a road;" and that the same are correctly engrossed.

The said engrossed bill entitled "An act to authorise the overseers of the poor of the town of Queensbury, in the county of Warren, to sell a certain lot of land," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act to divide the town of Richmond in the county of Ontario," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act for the relief of Abraham Chase," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act authorising the town of Fort-Edward to dispose of certain public monies," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act to give effect to the revised statutes relating to the county courts in the county of Genesee," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money for the purpose of repairing the jail of said county," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act to improve the navigation of the Cattetunk creek," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill entitled "An act to authorise the commissioners of highways of the town of Otego to alter a road," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady;" the engrossed bill entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" the engrossed bill entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish part of their road," and the engrossed bill entitled "An act to incorporate the New-Hartford fire company," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

AYES	89
NAYS	10

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Sanford
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Savage
Mr. Austin	Mr. Efner	Mr. Keith	Mr. Scott
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. Sloughter
Mr. C. Baker	Mr. Fitch	Mr. Mandeville	Mr. A. Smith
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. H. D. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. L. Smith
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. T. L. Smith
Mr. Boynton	Mr. Gardiner	Mr. W. M'Donald	Mr. Speaker
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Spier
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Stanton

Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. Starr
Mr. Carley	Mr. Hammond	Mr. Myers	Mr. Tabor
Mr. Carrier	Mr. Hazeltine	Mr. Noble	Mr. Tailor
Mr. Case	Mr. Hedges	Mr. Norton	Mr. Tower
Mr. Collier	Mr. Heermans	Mr. Paige	Mr. J. Van Beuren
Mr. Curtiss	Mr. Holdridge	Mr. Partridge	Mr. Waring
Mr. Dana	Mr. Hubbard	Mr. Phoenix	Mr. White
Mr. Davenport	Mr. Hubbell	Mr. Randall	Mr. Willey
Mr. Dean	Mr. Hynds	Mr. Redfield	Mr. Williamson
Mr. Defreest	Mr. Ives	Mr. Ruggles	Mr. Young
Mr. Dickson			89

Those who voted in the negative are—

Mr. Edgerton	Mr. Gosman	Mr. Sheppard	Mr. Wheeler
Mr. Eldridge	Mr. Hascall	Mr. P. Van Beuren	Mr. Williams
Mr. W. K. Fuller	Mr. Judd		10

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

{AYES 72}
{NAYS 23}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Arnold	Mr. Edgerton	Mr. Judd	Mr. Savage
Mr. Bacon	Mr. Efner	Mr. Keith	Mr. Scott
Mr. Bailey	Mr. Eldridge	Mr. Lindsley	Mr. Sheppard
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Skinner
Mr. Baragar	Mr. Fitch	Mr. Mandeville	Mr. H. D. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. T. L. Smith
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Speaker
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Spier
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Stanton
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. Starr
Mr. Carrier	Mr Gosman	Mr. Myers	Mr. Tower
Mr. Case	Mr. Graves	Mr. Norton	Mr. J. Van Beuren
Mr. Collier	Mr. Hammond	Mr. Paige	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Dana	Mr. Heermans	Mr. Phoenix	Mr. White
Mr. Dean	Mr. Hubbell	Mr. Randall	Mr. Willey
Mr. Dickson	Mr. Ives	Mr. Ruggles	Mr. Williams
Mr. Dyckman	Mr. Johnson	Mr. Sanford	Mr. Young 72

Those who voted in the negative are—

Mr. Austin	Mr. Garnsey	Mr. Mann	Mr. L. Smith
Mr. Barnett	Mr. Hascall	Mr. Mathews	Mr. Tabor
Mr. Brown	Mr. Hedges	Mr. M'Crea	Mr. Tailor
Mr. Carley	Mr. Holdridge	Mr. Noble	Mr. Waring
Mr. Davenport	Mr. Hynds	Mr. Redfield	Mr. Williamson
Mr. Dygert	Mr. Jenkins	Mr. A. Smith	23

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish part of their road," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	01

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Ruggles
Mr. Arnold	Mr. Dygert	Mr. Ives	Mr. Sanford
Mr. Austin	Mr. Edgerton	Mr. Jenkins	Mr. Savage
Mr. Bailey	Mr. Falley	Mr. Johnson	Mr. Scott
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. Sheppard
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. Skinner
Mr. Barnet	Mr. Fleming	Mr. Lindsley	Mr. Sloughter
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. H. D. Smith
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Boynton	Mr. W. K. Fuller	Mr. Mann	Mr. T. L. Smith
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Speaker
Mr. Brown	Mr. Gardiner	Mr. J. M'Donald	Mr. Spier
Mr. Burt	Mr. Garnsey	Mr. W. M'Donald	Mr. Stanton
Mr. Carley	Mr. Gosman	Mr. M'Niel	Mr. Starr
Mr. Carrier	Mr. J. Hall	Mr. Mixer	Mr. Tabor
Mr. Case	Mr. W. Hall	Mr. Morell	Mr. Tailor
Mr. Collier	Mr. Hammond	Mr. Myers	Mr. Tower
Mr. Curtiss	Mr. Hazeltine	Mr. Noble	Mr. P. Van Buren
Mr. Dana	Mr. Hedges	Mr. Norton	Mr. Wheeler
Mr. Davenport	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Dayton	Mr. Holdridge	Mr. Phoenix	Mr. Willey
Mr. Dean	Mr. Hubbard	Mr. Randall	Mr. Williamson
Mr. Defreest	Mr. Hubbell	Mr. Redfield	Mr. Young
Mr. Dickson			93

Those who voted in the negative are—

Mr. A. Smith 1.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the New-Hartford fire company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	99
NAYS	01

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Sanford
Mr. Arnold	Mr. Dygert	Mr. Ives	Mr. Savage
Mr. Austin	Mr. Edgerton	Mr. Jenkins	Mr. Scott
Mr. Bacon	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Bailey	Mr. Eldridge	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. Baragar	Mr. Fillmore	Mr. Lindsley	Mr. A. Smith
Mr. Barnett	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mandeville	Mr. Speaker
Mr. Boynton	Mr. W. K. Fuller	Mr. Mann	Mr. Spier
Mr. Bradish	Mr. Garbutt	Mr. Mathews	Mr. Stanton
Mr. Brown	Mr. Gardiner	Mr. M'Crea	Mr. Starr
Mr. Burt	Mr. Garnsey	Mr. J. M'Donold	Mr. Tabor
Mr. Carley	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Carrier	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Case	Mr. J. Hall	Mr. Morell	Mr. P. Van Beuren
Mr. Collier	Mr. W. Hall	Mr Myers	Mr. Waring
Mr. Curtiss	Mr. Hammond	Mr. Noble	Mr. Wheeler
Mr. Dana	Mr. Hascall	Mr. Norton	Mr. White
Mr. Davenport	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Dayton	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Defreest	Mr. Holdridge	Mr. Redfield	Mr. Young
Mr. Dickson	Mr. Hubbard	Mr. Ruggles	99

Those who voted in the negative are—

Mr. Hubbell 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act authorising the construction of the Crooked lake canal," together with the engrossed amendments, was read the the third time.

Resolved, That the same do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the said bill, with the amendments therewith delivered.

The engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 2d, 1822," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill. and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	00

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr Jenkins	Mr. Sheppard
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Fitch	Mr. Keith	Mr. A. Smith
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. T. L. Smith
Mr. Barnett	Mr. Garbutt	Mr. Mandeville	Mr. Speaker
Mr. Bogert	Mr. Gardner	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Stanton

Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. Graves	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Carrier	Mr. Hascall	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. Waring
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Wheeler
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. White
Mr. Dean	Mr. Holdridge	Mr. Randall	Mr. Willey
Mr. Dyckman	Mr. Hubbard	Mr. Redfield	Mr. Williams
Mr. Dygert	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Edgerton	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Efner	Mr. Ives	Mr. Scott	91

The engrossed bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Ives	Mr. Scott
Mr. Arnold	Mr. Falley	Mr. Jenkins	Mr. Sheppard
Mr. Austin	Mr. Fillmore	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Fitch	Mr. Keith	Mr. Sloughter
Mr. Bailey	Mr. Fleming	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Barnet	Mr. Garbutt	Mr. Mann	Mr. T. L. Smith
Mr. Bogert	Mr. Gardiner	Mr. M'Crea	Mr. Speaker
Mr. Bostwick	Mr. Garnsey	Mr. J. M'Donald	Mr. Spier
Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Stanton
Mr. Brown	Mr. Gosman	Mr. M'Niel	Mr. Taber
Mr. Burt	Mr. Graves	Mr. Mixer	Mr. Tailor
Mr. Carley	Mr. J. Hall	Mr. Morell	Mr. Tower
Mr. Carrier	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Case	Mr. Hascall	Mr. Norton	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. Waring
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Wheeler
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. White
Mr. Dean	Mr. Holdridge	Mr. Randall	Mr. Willey
Mr. Dyckman	Mr. Hubbard	Mr. Redfield	Mr. Williams
Mr. Dygert	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Edgerton	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Efner			93

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Saratoga county turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 07}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Savage
Mr. Arnold	Mr. Dygert	Mr. Judd	Mr. Scott
Mr. Austin	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. Sloughter
Mr. Bailey	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Barnett	Mr. W. K. Fuller	Mr. Mann	Mr. Speaker
Mr. Bogert	Mr. Garbutt	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. Gosman	Mr. J. M'Donold	Mr. Starr
Mr. Bradish	Mr. J. Hall	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. W. Hall	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Hammond	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Hazeltine	Mr Myers	Mr. J. Van Beuren
Mr. Carrier	Mr. Hedges	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Heermans	Mr. Norton	Mr. Waring
Mr. Collier	Mr. Holdridge	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hubbard	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hubbell	Mr. Randall	Mr. Willey
Mr. Dayton	Mr. Hynds	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Ives	Mr. Ruggles	Mr. Williamson
Mr. Defreest	Mr. Jenkins	Mr. Sanford	Mr. Young 92

Those who voted in the negative are—

Mr. Edgerton	Mr. Goodman	Mr. Hascall	Mr. A. Smith
Mr. Fitch	Mr. Graves	Mr. Sheppard	7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entititled "An act to incorporate the Ellicott's creek slack water navigation company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Ellicott's creek slack water navigation company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88
NAYS 00}.

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Edgerton	Mr. Ives	Mr. Scott
Mr. Arnold	Mr. Falley	Mr Jenkins	Mr. Sheppard
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. L. Smith
Mr. Barnett	Mr. W. K. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Bogert	Mr. Garbutt	Mr. M'Crea	Mr. Speaker
Mr. Bostwick	Mr. Garnsey	Mr. J. M'Donald	Mr. Spier
Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Stanton

Mr. Bradish	Mr. Gosman	Mr. M'Niel	Mr. Starr
Mr. Burt	Mr. Graves	Mr. Mixer	Mr. Tabor
Mr. Carrier	Mr. J. Hall	Mr. Morell	Mr. Tailor
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Tower
Mr. Collier	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Curtiss	Mr. Hazeltine	Mr. Norton	Mr. P. Van Beuren
Mr. Dana	Mr. Hedges	Mr. Paige	Mr. Wheeler
Mr. Dayton	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Dean	Mr. Holdridge	Mr. Phoenix	Mr. Willey
Mr. Defreest	Mr. Hubbard	Mr. Randall	Mr. Williams
Mr. Dyckman	Mr. Hubbell	Mr. Redfield	Mr. Williamson
Mr. Dygert	Mr. Hynds	Mr. Ruggles	Mr. Young 88

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill entitled "An act to incorporate the New-York sacred music society," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES 80
NAYS 24

Those who voted in the affirmative are—

Mr. Arnold	Mr. Dyckman	Mr. Hynds	Mr. Redfield
Mr. Austin	Mr. Dygert	Mr. Ives	Mr. Ruggles
Mr. Bacon	Mr. Eldridge	Mr. Johnson	Mr. Sanford
Mr. C. Baker	Mr. Falley	Mr. Keith	Mr. Savage
Mr. Baragar	Mr. Fillmore	Mr. C. L. Livingston	Mr. Scott
Mr. Barnet	Mr. Fitch	Mr. Mallory	Mr. Skinner
Mr. Bogert	Mr. Fleming	Mr. Mandeville	Mr. Sloughter
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. H. D. Smith
Mr. Boynton	Mr. P. C. Fuller	Mr. M'Crea	Mr. L. Smith
Mr. Bradish	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. T. L. Smith
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Speaker
Mr. Burt	Mr. Goodman	Mr. M'Niel	Mr Starr
Mr. Carley	Mr. Gosman	Mr. Morell	Mr. Tailor
Mr. Carrier	Mr. W. Hall	Mr. Myers	Mr. Tower
Mr. Case	Mr. Hammond	Mr. Noble	Mr. P. Van Buren
Mr. Collier	Mr. Hazeltine	Mr. Norton	Mr. Waring
Mr. Curtiss	Mr. Hedges	Mr. Paige	Mr. Wheeler
Mr. Dana	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Davenport	Mr. Hubbard	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Randall	Mr. Young 80

Those who voted in the negative are—

Mr. Armstrong	Mr. Garbutt	Mr. Jenkins	Mr. A. Smith
Mr. Bailey	Mr. Gardiner	Mr. Judd	Mr. Spier
Mr. Dean	Mr. Graves	Mr. Lindsley	Mr. Stanton
Mr. Defreest	Mr. J. Hall	Mr. Mann	Mr. Tabor
Mr. Dickson	Mr. Hascall	Mr. Mixer	Mr. Willey
Mr. Edgerton	Mr. Holdridge	Mr. Sheppard	Mr. Williams 24

The engrossed bill entitled "An act to amend the act incorporating the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88}
{NAYS 08}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. Scott
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. Skinner
Mr. Bacon	Mr. Franklin	Mr. C. L. Livingston	Mr. Sloughter
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. A. Smith
Mr. Baragar	Mr. W. K. Fuller	Mr. Mandeville	Mr. H. D. Smith
Mr. Barnet	Mr. Garbutt	Mr. Mathews	Mr. L. Smith
Mr. Bogert	Mr. Garnsey	Mr. M'Crea	Mr. T. L. Smith
Mr. Bostwick	Mr. Goodman	Mr. J. M'Donald	Mr. Speaker
Mr. Boynton	Mr. Gosman	Mr. W. M'Donald	Mr. Spier
Mr. Bradish	Mr. Graves	Mr. M'Niel	Mr. Stanton
Mr. Brown	Mr. J. Hall	Mr. Morell	Mr. Starr
Mr. Burt	Mr. W. Hall	Mr. Myers	Mr. Taber
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Tailor
Mr. Carrier	Mr. Hazeltine	Mr. Norton	Mr. Tower
Mr. Case	Mr. Hedges	Mr. Paige	Mr. J. Van Beuren
Mr. Curtiss	Mr. Heermans	Mr. Partridge	Mr. P. Van Beuren
Mr. Dana	Mr. Holdridge	Mr. Phoenix	Mr. Waring
Mr. Dayton	Mr. Hubbard	Mr. Randall	Mr. Wheeler
Mr. Dean	Mr. Hubbell	Mr. Redfield	Mr. White
Mr. Defreest	Mr. Hynds	Mr. Ruggles	Mr. Williams
Mr. Dyckman	Mr. Ives	Mr. Sanford	Mr. Williamson
Mr. Dygert	Mr. Johnson	Mr. Savage	Mr. Young 88

Those who voted in the negative are—

Mr. Bailey	Mr. Fitch	Mr. Jenkins	Mr. Sheppard
Mr. Edgerton	Mr. Hascall	Mr. Mixer	Mr. Willey 8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes," and the bill entitled "An act for the prevention of masquerades," in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes," was referred to a select committee, consisting of Mr. Partridge, Mr. Fillmore and Mr. Burt; and the bill entitled "An act for the prevention of masquerades," was referred to a select committee, consisting of Mr. T. L. Smith, Mr. Dana and Mr. Arnold, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have non-concurred with this house in its amendments to the bill entitled "An act directing the manner of choosing electors of President and Vice-President."

Thereupon,

Resolved, That this house do adhere to its amendments non-concurred in by the Senate.

Thereupon,

Resolved, (if the Senate concur,) That a committee of conference be appointed upon the matters of difference between the two houses, on the bill entitled "An act directing the manner of choosing electors of President and Vice-

President;" and in case of such concurrence, that Mr. Skinner, Mr. Johnson and Mr. Edgerton be of the said committee on the part of this house.

Odrered, That the clerk deliver the said bill and amendments, together with copies of the preceding resolutions, to the Senate.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act relative to the city of Hudson."

E. T. THROOP.

Albany, *April* 4, 1829.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to authorise the board of supervisors of the county of Onondaga to borrow the sum of ten thousand dollars, for the purpose of completing the court-house and gaol in said county."

"An act authorising the supervisors of the county of St. Lawrence to levy a tax on the inhabitants of the town of Oswegatchie, to build a bridge across the Oswegatchie river at the village of Ogdensburgh."

"An act to authorise the supervisors of the county of Ulster to raise money to build a bridge over the Shawangunk-kill, in the town of Shawangunk in said county."

"An act to appoint commissioners to lay out a highway from Fredonia, in the county of Chautauque, to the village of Perry, in the county of Genesee."

"An act to incorporate the village of Brockport."

E. T. THROOP.

Albany, *April* 6, 1829.

A communication from Gerrit Y. Lansing, was read, in the words following, to wit:

Hon. PETER ROBINSON,
Speaker of the Assembly of the State of New-York.

SIR,

Permit me to communicate, through you, to the hon. the Assembly, the acceptance of my appointment as a Regent of the University of the state.

I am, very respectfully,
Your obedient servant,
GERRIT Y. LANSING.

Albany, 6*th April*, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Salina and Susquehannah rail-road company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act to incorporate the Salina and Port Watson rail-road company," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Susquehannah and Chemung navigation

and railway company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to divide the town of Homer in the county of Cortland;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, APRIL 7, 1829.

The House met pursuant to adjournment.

The petition of the trustees of Springville academy, praying for an amendment of their charter, was read, and referred to the committee on colleges, academies and common schools.

The petition of William McLeish and Martin Wilcox, aliens, severally praying that they may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

Mr. Taber, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry persons residing in the counties of St. Lawrence and Franklin, praying for legislative aid to construct a road through the St. Regis Indian reservation, reported:

That they have had the same under consideration, and have reason to believe that the following facts, on which the petitioners ground their claims, are true:

That the inhabitants of the towns of Brasher, Massena, Lawrence, Stockholm, Hopkinton, and a part of Potsdam, have no convenient access to water communication, except by means of the river St. Lawrence: That their usual place of deposit is at a point on said river, below the Indian reservation: That they have hitherto suffered great and serious inconvenience from having to transport their ashes and other heavy articles of produce by a circuitous route, over a bad road around said reservation: That by the exertions of the inhabitants, aided by a very heavy and specific tax on the adjacent lands, a good carriage road is now in a rapid train of completion, which reaches to the south line of said reservation: from thence to the village of Hogansburgh, there is now no road at all, nor any white inhabitants. The lands are not subject to taxation, being in possession of the natives; the right of the reversion being, as is supposed, in the state. The distance is two and a half miles; the soil and face of the country such, that considerable expense must be incurred to make a passable road, to defray which, neither the petitioners or the committee are aware of any means, other than by a resort to the state treasury. The sum required is only 800 dollars, to appropriate which, the committee ask leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Taber, according to leave, brought in the said bill, entitled "An act making an appropriation for the purpose of constructing a road through the St. Regis Indian reservation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the city of New-York, for the incorporation of a bank in

that city, to be called the Greenwich and Manufacturers' Bank, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Greenwich and Manufacturers' Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the county of St. Lawrence, praying for the incorporation of a bank, with a capital of $250,000, to be located at Ogdensburgh, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Ogdensburgh Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Madison, praying for the incorporation of a bank, to be located at Cazenovia, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Madison County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the counties of Washington, Clinton and Essex, praying for the incorporation of a bank, to be located at Whitehall, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Whitehall;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Oswego, praying for the incorporation of a bank, to be located at the village of Oswego, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Oswego Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Paige, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Oneida, praying for the incorporation of a bank, to be located at Waterville in that county, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Paige, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Waterville Oneida County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the prevention of masquerades," reported, that they have examined the said bill, and see no reason why the same should not be passed into a a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Fillmore, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. McDonald, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828;" the bill entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants;" the bill entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Salina;'" the bill entitled "An act concerning the Watervliet turnpike company;" the bill entitled "An act to incorporate the Rome and Vienna turnpike company;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820;" the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806;" and the engrossed bill from the Senate, entitled 'An act concerning the gospel and school lot in the town of Chenango in the county of Broome.

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828," be referred to a select committee, consisting of Mr. Hubbell, Mr. Fleming and Mr. Burt; that the bill entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants," be referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Holdridge and Mr. Dana; that the bill entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson," be referred to a select committee, consisting of Mr. Mann, Mr. Johnson and Mr. Edgerton; that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Salina," be referred to a select committee, consisting of Mr. Matthews, Mr. L. Smith and Mr. Eldridge; that the bill entitled "An act concerning the Watervliet turnpike company," be referred to a select committee, consisting of Mr. Burt, Mr. Starr and Mr. Mallory; that the bill entitled "An act to incorporate the Rome and Vienna turnpike company," be referred to a select committee, consisting of Mr. Johnson, Mr. White and Mr. Bacon; that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," be referred to a select committee, consisting of Mr. J. McDonald, Mr. W. McDonald and Mr. Dana; that the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806," be referred to a select committee, consisting of Mr. Johnson, Mr. Burt and Mr. Mann; and that the engrossed bill from the Senate, entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome," be referred to a select committee, consisting of Mr. Franklin, Mr. Case and Mr. Dyckman, to be by the said select committees severally reported complete.

Mr. Eldridge, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to provide for the establishment of a county poor-house in the county of Richmond," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Skinner, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to the Brooklyn fire insurance company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Paige, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to the National insurance company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Starr, from the select committee to which was committed the bill entitled "An act relating to common schools in the county of Albany," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bogert, from the select committee to which was committed the bill entitled "An act for the regulation of vessels lying at anchor in the harbor of New-York," reported, that the committee had gone through the said bill, made amendments thereto, altered the title to "An act to amend section tenth of title tenth of chapter twentieth of the first part of the Revised Statutes," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A communication from John Sudam, was read, in the words following, to wit:

Albany, April 7, 1829.

SIR,

I have received the resolution of the Assembly, appointing me one of the regents of the university of the state of New-York.

I accept the appointment; and avail myself of the occasion, to express to the Assembly the high sense I entertain of the honor conferred on me.

Respectfully, your obedient servant,

JOHN SUDAM.

The Hon. PETER ROBINSON,
Speaker of the Assembly.

Mr. Tower gave notice that he would, on some future day, introduce a bill for the incorporation of a fire company in the village of Waterville, Oneida county.

On motion of Mr. Willey,

Resolved, That after this week, this house will hold an afternoon session, commencing at 7 o'clock.

Mr. Noble offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the business of the afternoon session shall be confined to the reading of the minutes of the preceding day, the presentation of petitions, the receiving of reports of standing and select committees, the consideration of motions, notices and resolutions, and the third reading of such bills as do not require the assent of two-thirds of all the members elected to this house.

Ordered, That the said resolution be laid upon the table.

Mr. Mann offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the bill entitled "An act to incorporate the New-York sacred music society."

Ordered, That the said resolution be laid upon the table.

Ordered, That Mr. Savage have leave of absence for five days.

Ordered, That the usual number of copies of the several bills introduced on Saturday last, and this day, for the incorporation of banks and the renewal of bank charters, be printed for the use of the legislature.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" and that the said bill be committed to a select committee, consisting of Mr. Hubbell, Mr. Dickson and Mr. Noble, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the relief of Simon Thomas;" and that the said bill be committed to a select committee, consisting of Mr. Edgerton, Mr. Mann and Mr. W. M'Donald, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson;" and that the said bill be committed to a select committee, consisting of Mr. Ives, Mr. Burt and Mr. Carrier, to report the same complete.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to divide the town of Gerry in the county of Chautauque;" the engrossed bill entitled "An act authorising the erection of two poor-houses in the county of Tioga," and the engrossed bill entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak-orchard and Marsh creeks in the town of Carlton," and that the same are correctly engrossed.

The said engrossed bill, entitled "An act to divide the town of Gerry in the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the erection of two poor-houses in the county of Tioga," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak-orchard and Marsh creeks in the town of Carlton," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823;" and the engrossed bill entitled "An act to incorporate the Salina and Port Watson rail-road company;" and that the said bills are correctly engrossed.

Ordered, That the said bills be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company,'" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 84
NAYS 03}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Dyckman	Mr. Judd	Mr. Sheppard
Mr. Bacon	Mr. Dygert	Mr. Lindsley	Mr. Skinner
Mr. C. Baker	Mr. Efner	Mr. C. L. Livingston	Mr. Sloughter
Mr. Baragar	Mr. Falley	Mr. Mallory	Mr. A. Smith
Mr. Barnet	Mr. Fillmore	Mr. Mann	Mr. H. D. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. L. Smith
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. T. L. Smith
Mr. Boynton	Mr. Gardiner	Mr. W. M'Donald	Mr. Speaker
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Spier
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. Stanton
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Starr
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Tabor
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Tailor
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. P. Van Beuren
Mr. Collier	Mr. Hedges	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. White
Mr. Dana	Mr. Hubbell	Mr. Redfield	Mr. Williams
Mr. Davenport	Mr. Hynds	Mr. Ruggles	Mr. Williamson
Mr. Dayton	Mr. Ives	Mr. Sanford	Mr. Young 84

Those who voted in the negative are—

Mr. Edgerton	Mr. Hascall	Mr. Willey	3

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to alter the name of the First Congregational church and society of the town of Worcester in the county of Otsego," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to alter the name of the First Congregational church and society of the town of Worcester in the county of Otsego," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 89
NAYS 00}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Sanford
Mr. Arnold	Mr. Dygert	Mr. Ives	Mr. Scott
Mr. Austin	Mr. Edgerton	Mr. Johnson	Mr. Seeley
Mr. Bacon	Mr. Efner	Mr. Judd	Mr. Sheppard
Mr. Bailey	Mr. Eldridge	Mr. Lindsley	Mr. Skinner
Mr. C. Baker	Mr. Falley	Mr. C. L. Livingston	Mr. Sloughter
Mr. Baragar	Mr. Fillmore	Mr. Mallory	Mr. A. Smith
Mr. Barnett	Mr. P. C. Fuller	Mr. Mandeville	Mr. H. D. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. L. Smith
Mr. Bostwick	Mr. Gardner	Mr. M'Crea	Mr. Speaker
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Spier
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Stanton
Mr. Brown	Mr. Gosman	Mr. M'Niel	Mr. Starr
Mr. Burt	Mr. Graves	Mr. Mixer	Mr. Tabor

Mr. Carley	Mr. W. Hall	Mr. Morell	Mr. Tailor
Mr. Carrier	Mr. Hammond	Mr. Myers	Mr. P. Van Beuren
Mr. Case	Mr. Hascall	Mr. Noble	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Norton	Mr. White
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Ruggles	Mr. Young
Mr Defreest			89

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for the establishment of a county poor-house in the county of Richmond," was read the third time.

Resolved, That the same do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in relation to masters and examiners in chancery, in the cities of New-York and Albany," and the bill entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," in which bills they request the concurrence of this house.

Thereupon,

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to masters and examiners in chancery, in the cities of New-York and Albany," was referred to a select committee, consisting of Mr. T. L. Smith, Mr. Dayton and Mr. Starr; and the bill entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," was referred to a select committee, consisting of Mr. Johnson, Mr. Mandeville and Mr. Mann, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendments, and a copy of the resolution therein mentioned, was read, informing that they have concurred with this house in its resolution of yesterday, referring the matters in difference between the two houses upon the bill entitled "An act directing the manner of choosing electors of President and Vice-President," to a committee of conference; and that Mr. Viele, Mr. Throop and Mr. Enos are of the said committee on the part of the Senate.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolutions of the 24th March last, relative to a survey of the route for a canal from Rome to the High falls in the county of Lewis.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the appraisal of certain damages on the Champlain canal," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A communication from John Keyes Paige, was read, in the words following, to wit:

The Hon. PETER ROBINSON,
Speaker of the Assembly.

SIR,

I have received copies of the resolutions of the hon. the Senate and Assembly, appointing me a Regent of the University of the state of New-York. Please to communicate to the Assembly my acceptance of the appointment, and my acknowledgments for the honor conferred upon me.

Respectfully, your obedient servant,
JNO. KEYES PAIGE.

Albany, April 6th, 1829.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to divide the town of Homer in the county of Cortland;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendments were ordered to be engrossed, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the first title of the seventeenth chapter of the first part of the Revised Statutes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Susquehannah and Chemung navigation and railway company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

WEDNESDAY, APRIL 8, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry inhabitants of the county of Cattaraugus, against levying a tax to build a gaol and court-house in said county, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Lawrence in the county of St. Lawrence, praying for the passage of a law authorising them to draw their proportion of road and school money from the towns of Hopkinton and Brasher, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the Anthracite and coal, and iron foundry association of the city of New-York, praying for an act of incorporation, was read, and referred to the committee on trade and manufactures.

The memorial of the merchants, masters of vessels, and others, of the city of New-York, relative to the marine court of said city, and the consent of the justices thereof to the prayer of the petitioners, was read, and referred to a select committee, consisting of the members attending this house from the city and county of New-York.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the town of Vestal in the county of Broome, praying for the passage of a law requiring the publication of notices in cases of applications for dams across the public waters of this state, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act requiring the publication of notices in certain cases:" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the counties of Oneida and Herkimer, for an extension of the charter of the Utica and Minden turnpike company, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry citizens of the city of New-York, for the incorporation of a bank in that city, to be called the Manufacturers' Bank, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Manufacturers' Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of sundry inhabitants of the county of Kings, praying for the incorporation of a bank, to be located in the village of Brooklyn, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Bank of Brooklyn;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which were referred the petitions of sundry inhabitants of the county of Montgomery, praying for the incorporation of a bank, to be located in the village of Canajoharie, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Montgomery County Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. Baker, from the select committee to which was referred the petition of David E. Harris, of the county of Cortland, praying for the passage of a law to change his name, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. C. Baker, according to leave, brought in the said bill, entitled "An act changing the name of David E. Harris;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in relation to masters and examiners in chancery in the cities of New-York and Albany," reported, that they have examined the said bill, and see no reason why the same should not be passed into a a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," reported, that they have examined the said bill, and prepared an amendment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Norton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to repeal a part of a certain act therein mentioned," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Franklin, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Edgerton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Simon Thomas," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Austin, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act regulating the gauge of beer and cider casks in the city of New-York:" the bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation;" the bill entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river;" the bill entitled "An act authorising the sale of certain lands in the town of Wolcott;" the bill entitled "An act authorising John Seymour to erect a dam in the Susquehannah river;" the bill entitled "An act to incorporate the Deep-hollow branch turnpike road company;" the bill entitled "An act to incorporate the Buffalo and Hamburgh turnpike company;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824;" and the engrossed bill from the Senate, entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act re-

gulating the gauge of beer and cider casks in the city of New-York," be referred to a select committee, consisting of Mr. Arnold, Mr. Myers and Mr. Burt; that the bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation," be referred to a select committee, consisting of Mr. J. Hall, Mr. Matthews and Mr. Jenkins; that the bill entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river," be referred to a select committee, consisting of Mr. Morell, Mr. Eldridge and Mr. Hubbard; that the bill entitled "An act authorising the sale of certain lands in the town of Wolcott," be referred to a select committee, consisting of Mr. Noble, Mr. Eldridge and Mr. Hammond; that the bill entitled "An act authorising John Seymour to erect a dam in the Susquehannah river," be referred to a select committee, consisting of Mr. Dana, Mr. Barragar and Mr. Franklin; that the bill entitled "An act to incorporate the Deep-hollow branch turnpike road company," be referred to a select committee, consisting of Mr. Judd, Mr. E. Baker and Mr. Teller; that the bill entitled "An act to incorporate the Buffalo and Hamburgh turnpike company," be referred to a select committee, consisting of Mr. Fillmore, Mr. Burt and Mr. Mixer; that the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824," be referred to a select committee, consisting of Mr. Sanford, Mr. H. D. Smith and Mr. Hubbell; and that the engrossed bill from the Senate, entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," be referred to a select committee, consisting of Mr. Tower, Mr. White and Mr. W. K. Fuller," to be by the said select committees severally reported complete.

Mr. Mann, from the select committee to which was committed the bill entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Johnson, from the select committee to which was committed the bill entitled "An act to incorporate the Rome and Vienna turnpike company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. J. M'Donald, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Burt, from the select committee to which was committed the bill entitled "An act concerning the Watervliet turnpike company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in

his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Ives, from the select committee to which was committed the bill entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Matthews, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Salina,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Morell, from the select committee to which was committed the bill entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Judd, from the select committee to which was committed the bill entitled "An act to incorporate the Deep Hollow branch turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

In pursuance of previous notice, Mr. Tower asked for and obtained leave to bring in a bill entitled "An act to incorporate the Waterville fire company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the select committee to which was committed the bill entitled "An act authorising the canal board to settle with Joseph E. Smith & Co. upon equitable terms," be discharged from the further consideration of the same, and that the said bill be restored to its original place on the general order.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the relief of the Owego and Ithaca turnpike road company;" and that the said bill be committed to a select committee, consisting of the members attending this house from the counties of Tompkins and Tioga, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the village of Fredonia;" and that the said bill be committed to a select coumittee, consisting of Mr. Mixer, Mr. Hazeltine and Mr. Falley, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery;" and that the said bill be committed to a select committee, consisting of Mr. Randall, Mr. Hubbell and Mr. Falley, to report the same complete.

The house then proceeded to the consideration of the resolution offered by Mr. Mann; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the bill entitled "An act to incorporate the New-York sacred music society."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 86}
{NAYS 08}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Defreest	Mr. Jenkins	Mr. Sanford
Mr. Arnold	Mr. Dyckman	Mr. Johnson	Mr. Scott
Mr. Austin	Mr. Dygert	Mr. Keith	Mr. Seeley
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. Skinner
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Sloughter
Mr. E. Baker	Mr. Fleming	Mr. Mandeville	Mr. A. Smith
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. H. D. Smith
Mr. Barnet	Mr. P. C. Fuller	Mr. Mathews	Mr. L. Smith
Mr. Bogert	Mr. Garnsey	Mr. M'Crea	Mr. T. L. Smith
Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Speaker
Mr. Bradish	Mr. Gosman	Mr. M'Niel	Mr. Stanton
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Tabor
Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. Tailor
Mr. Carley	Mr. W. Hall	Mr. Myers	Mr. Tower
Mr. Carrier	Mr. Hammond	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Hedges	Mr. Norton	Mr. Waring
Mr. Collier	Mr. Heermans	Mr. Paige	Mr. Wheeler
Mr. Curtiss	Mr. Holdridge	Mr. Partridge	Mr. White
Mr. Dana	Mr. Hubbard	Mr. Phoenix	Mr. Willey
Mr. Davenport	Mr. Hubbell	Mr. Randall	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Redfield	Mr. Young
Mr. Dean	Mr. Ives		86

Those who voted in the negative are—

Mr. Bailey	Mr. Efner	Mr. Hascall	Mr. Spier	
Mr. Edgerton	Mr. Garbutt	Mr. Sheppard	Mr. Williams	8

A communication from John Paine, secretary of the Troy Savings Bank, was read, in the words following, to wit:

TROY SAVINGS BANK,
April 7th, 1829.

SIR,

Inclosed you have the sixth annual report of the Troy Savings Bank, which you will present to that branch of the legislature over which you preside.

I am, respectfully,
Your humble servant,
JOHN PAINE,
Secretary of the Troy Savings Bank.

Hon. PETER ROBINSON,
Speaker of the Assembly.

To the Honorable the Legislature of the State of New-York:

Report of the board of managers of the Troy Savings Bank, for the year ending the first Monday of April, 1829.

Pursuant to the provisions of the act entitled "An act to incorporate the Troy Savings Bank," the board of managers report:

That from the first Monday of April last to the first Monday of April instant, there has been received from depositors in said bank, the sum of seventeen thousand six hundred and sixty-six dollars and eighty-three cents; and that during that time, there has been withdrawn from the bank, by the depositors, the sum of eighteen thousand one hundred and sixty-five dollars and eighty cents, including dividends paid; and that six dollars and seventy-five cents

has been paid for contingent expenses of the bank in the same time. That there is now deposited, to the credit of the said bank, in the Bank of Troy, the sum of sixty-nine thousand one hundred and thirteen dollars and nine cents, being the amount received by the Troy Savings Bank since the commencement of the institution, and the interest which has accrued thereon, after deducting the amount refunded to depositors, including dividends paid, and the amount paid out for contingent expenses of the bank.

We further report, that we have paid the depositors dividends at the rate of five per cent. per annum, and that there is now a surplus of interest amounting to twelve hundred and forty-nine dollars and seventeen cents, carried to the credit of the profit and loss account.

All which is respectfully submitted,

TOWNSEND M'COUN, *President.*

JOHN PAINE, *Secretary.*

Troy, April 6th, 1829.

Ordered, That the said report be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

A communication from the Surveyor-General was read, in the words following, to wit:

SIR,

The repairs of the Capitol, directed to be made by the 10th section of the act, ch. 239, passed April 12, 1824, have been completed. The sum of $2,700, according to an estimate made by Philip Hooker, was appropriated for this work. It will appear by the certificate of the Comptroller, that on the 5th December last, the unexpended part of the appropriation was paid to Peter Smith, on his account for coppering the roof of the capital, leaving a balance due him of $264.70, and as he was urgent for the money, I advanced it to him. The account of another person for doing the slating part of the roof, is $106.81; this has remained unpaid. Mr. Hooker, as architect, was employed to direct the manner of having the work done, to attend to its proper execution, and certify the fairness of the accounts, for which he charges $30. By the advice of the late Comptroller, I paid $8.75, the one half of the expense for repairing the conducting rod of the Capitol, which had been shattered by a stroke of lightning, the corporation of the city of Albany paying the other half. These items give a sum of $410 above the appropriation. In contracting for building the wing to the state hall, it was agreed to allow Philip Hooker $50 for attending to the erections in their progress, and to see that every part of the work was done in a proper manner. He charges besides, for drawing plans and making estimates, $10, with alterations and specifications of the buildings, $6, and for drawing contract, $4, making in all, $70. This account remains unpaid, and the late Comptroller informs me that the appropriation is expended.

This statement is respectfully submitted for the consideration of the legislature.

I have the honor to be,
Most respectfully,
Your obedient servant,
SIMEON DE WITT, *Surveyor-General.*

The Hon. PETER ROBINSON,
Speaker of the Assembly.

COMPTROLLER'S OFFICE,
Albany, February 27th, 1829.

I certify, that on the 5th day of December last, Peter Smith's account for repairing the roof of the Capitol, pursuant to the act, ch. 239, of 1824, amounting to $691.46, was presented at the Comptroller's office, and so much thereof audited, as remained unexpended of the appropriation by said act, to wit, $426.76, leaving unpaid of his account $267.70.

PHILIP PHELPS.
Dep. Comptroller.

Ordered, That the said communication and the accompanying documents, be referred to the committee of ways and means.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relating to common schools in the city of Albany," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act relating to common schools in the city of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 88
NAYS 03

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Keith	Mr. Seeley
Mr. Arnold	Mr. Dygert	Mr. Lindsley	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bacon	Mr. Fillmore	Mr. Mallory	Mr. A. Smith
Mr. Bailey	Mr Fleming	Mr. Mann	Mr. H. D. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mathews	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. T. L. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Speaker
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Spier
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Stanton
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Starr
Mr. Brown	Mr. Graham	Mr. Morell	Mr. Tabor
Mr. Burt	Mr. J. Hall	Mr. Myers	Mr. Tailor
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Tower
Mr. Carrier	Mr. Hedges	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. Heermans	Mr. Paige	Mr. Waring
Mr. Collier	Mr. Hubbard	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hubbell	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hynds	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Ives	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Jenkins	Mr. Ruggles	Mr. Williamson
Mr Defreest	Mr. Johnson	Mr. Scott	Mr. Young 88

Those who voted in the negative are—

Mr. Edgerton	Mr. Efner	Mr. Gosman	3

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Saratoga-Springs,' passed April 17th, 1826," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Saratoga-Springs,' passed April 17th, 1826," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 89
NAYS 00

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dygert	Mr. Hubbard	Mr. Scott
Mr. Arnold	Mr. Edgerton	Mr. Hubbell	Mr. Seeley
Mr. Austin	Mr. Efner	Mr. Hynds	Mr. Skinner
Mr. Bacon	Mr. Eldridge	Mr. Ives	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr Jenkins	Mr. A. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith
Mr. E. Baker	Mr. Fleming	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Franklin	Mr. Lindsley	Mr. Speaker
Mr. Boynton	Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. Spier
Mr. Bradish	Mr. Garbutt	Mr. Mallory	Mr. Stanton
Mr. Brown	Mr. Gardner	Mr. Mandeville	Mr. Starr
Mr. Burt	Mr. Garnsey	Mr. W. M'Donald	Mr. Tabor
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Tailor
Mr. Carrier	Mr. Gosman	Mr. Morell	Mr. Tower
Mr. Case	Mr. Graham	Mr. Myers	Mr. P. Van Beuren
Mr. Collier	Mr. J. Hall	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. W. Hall	Mr. Norton	Mr. Wheeler
Mr. Dana	Mr. Hammond	Mr. Paige	Mr. White
Mr. Davenport	Mr. Hascall	Mr. Partridge	Mr. Willey
Mr. Dayton	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Defreest	Mr. Holdridge	Mr. Sanford	Mr. Young
Mr. Dyckman			89

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entititled "An act to amend section tenth of title tenth of chapter twentieth of the first part of the Revised Statutes," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend section tenth of title tenth of chapter twentieth of the first part of the Revised Statutes," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to divide the town of Homer in the county of Cortland," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the said bill, with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act for the relief of Simon Thomas," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act concerning the gospel and school lot in the town of Chenango in the county of Broome," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Cohoes bridge company,' passed April 4th, 1806," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit :

{AYES 97
NAYS 02}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Edgerton	Mr. Jenkins	Mr. Ruggles
Mr. Austin	Mr. Eldridge	Mr. Johnson	Mr. Scott
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Seeley
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. Skinner
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. Sloughter
Mr. E. Baker	Mr. Franklin	Mr. C. L. Livingston	Mr. A. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. H. D. Smith
Mr. Barnet	Mr. W. K. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. T. L. Smith
Mr. Bostwick	Mr. Gardiner	Mr. Mathews	Mr. Speaker
Mr. Boynton	Mr. Garnsey	Mr. M'Crea	Mr. Spier
Mr. Bradish	Mr. Goodman	Mr. J. M'Donald	Mr. Stanton
Mr. Brown	Mr. Gosman	Mr. W. M'Donald	Mr. Starr
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. Tabor
Mr. Carley	Mr. J. Hall	Mr. Mixer	Mr. Tailor
Mr. Carrier	Mr. W. Hall	Mr. Morell	Mr. Tower
Mr. Case	Mr. Hammond	Mr. Myers	Mr. P. Van Buren
Mr. Collier	Mr. Hazeltine	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. Hedges	Mr. Norton	Mr. Wheeler
Mr. Dana	Mr. Heermans	Mr. Paige	Mr. White
Mr. Davenport	Mr. Hubbard	Mr. Partridge	Mr. Willey
Mr. Dean	Mr. Hubbell	Mr. Phoenix	Mr. Williams
Mr. Defreest	Mr. Hynds	Mr. Randall	Mr. Williamson
Mr. Dyckman	Mr. Ives	Mr. Redfield	Mr. Young
Mr. Dygert			97

Those who voted in the negative are—

Mr. Efner	Mr. Hascall	2

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "A act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Mohawk Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for and obtained leave to sit again.

The Senate returned, by their clerk, the bill entitled "An act to authorise the appraisal of certain damages on the Champlain canal."

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act authorising the construction of the Crooked lake canal," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act to authorise the appraisal of certai damages on the Champlain canal."

E. T. THROOP.

Albany, April 8, 1829.

And then the House adjourned until nine o'clock to-morrow morning.

THURSDAY, APRIL 9, 1829.

The House met pursuant to adjournment.

Mr. Edgerton having announced to the Assembly, the decease of the Hon. Ezra C. Gross, a member of the Assembly from the county of Essex,

Thereupon,

Resolved, That a committee of five be appointed to make the necessary arrangements for the funeral of the deceased; and that this house will attend the same, and wear the usual badge of mourning during the remainder of the session; and that the clerk of this house communicate this resolution to the honorable the Senate.

Ordered, That Mr. Edgerton, Mr. Bradish Mr. W. McDonald, Mr. J. McDonald and Mr. Starr be the said committee.

Resolved, That in consequence of the sudden death of the honorable Ezra C. Gross, of the county of Essex, the house will immediately adjourn.

And then the House adjourned until nine o'clock to-morrow morning.

FRIDAY, APRIL 10, 1829.

The House met pursuant to adjournment.

Mr. Edgerton, from the committee of arrangements appointed to conduct the funeral obsequies of the hon. Ezra C. Gross, of the county of Essex, late a member of this house, reported:

That they have made the arrangements which appeared necessary to carry into effect the intentions of this house. The details of their preparations, so far as they are necessary to be reported, will appear by the order adopted by the committee, a copy of which is annexed to this report. In similar cases, it has been the practice to direct the chair of the Speaker to be shrouded in black. Unwilling to omit any mark of respect due to the deceased, in his public character as a member of this house, the committee would respectfully recommend that analagous precedents be followed. The committee also recommend that this house meet in their chamber at three o'clock this afternoon, to unite with the hon. the Senate in the funeral obsequies.

The following are the arrangements for the funeral obsequies:

1. The Senate and Assembly will meet in their respective chambers at three o'clock P. M. of to-day, and proceed to the late residence of the deceased, at the Albany Coffee-House, Green-street, preceded by their respective officers.

2. The reverend clergy of the city of Albany are requested to join in the funeral solemnities.

3. The chancellor, justices of the supreme court, circuit judges who may be in the city, and the state officers, are also requested to attend at the same time and place.

4. The citizens of the city of Albany and the friends of the deceased, are invited to attend and join in the procession.

The procession will move at 4 o'clock P. M., in the following order:

1. The clergy of the city and the attending physicians.
2. The hearse and pall-bearers.
3. The relations of the deceased.
4. The committee of arrangements.
5. The acting Governor.
6. The Assembly, preceded by its officers.
7. The Senate, preceded by its officers.
8. The chancellor, justices of the supreme court, and circuit judges.
9. The state officers.
10. Citizens and strangers.

The procession will move up State and Washington-streets, to the place of interment.

And then the House adjourned until nine o'clock to-morrow morning.

SATURDAY, APRIL 11, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry inhabitants of the county of Cattaraugus, against levying a tax for the purpose of building a court-house and jail in said county, was read, and committed to a committee of the whole when on the engrossed bill from the Senate upon that subject.

The petition of the trustees of the First Presbyterian society of Livonia, in the county of Livingston, praying authority to sell a certain lot of land therein mentioned, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of Edward Clark, jr. of the city of New-York, an alien, praying for the passage of a law to enable him to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The remonstrance of sundry inhabitants of the town of Neversink in the county of Sullivan, against the passage of the bill entitled "An act to confirm an act entitled 'An act to amend the act incorporating the Neversink turnpike road company, and for altering the name and style of said company,' passed March 28th, 1817," was read, and committed to a committee of the whole when on the said bill.

Mr. Skinner, from the committee of conference appointed upon the matters in difference between the two houses on the bill entitled "An act directing the manner of choosing electors of President and Vice-President," reported:

That the committee have attended to the subject committed to them, and have come to a conclusion which they hope will be satisfactory to both houses. The committee recommend,

1. That the Assembly recede from their amendments to the third section of the said bill.

2. That the Assembly do recede from their amendments to the said bill, which was to strike out the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 16th sections, and that those sections be restored, with the following amendments: Strike out in the fourth section all after "shall have been made," in the fifth line, and insert as follows: "except that of the county of Orange, which shall be delivered, together with that of Sullivan, to the clerk of Dutchess, on the second day after the canvass shall have been made, for the purpose of being delivered to the proper messenger, to wit: Those of the counties of Niagara and Orleans, to the clerk of the county of Genesee; those of the counties of Living-

ston, Monroe, Wayne and Yates, to the clerk of Ontario: that of the county of Seneca, to the clerk of Cayuga; those of the counties of Cortland and Oswego, to the clerk of Onondaga; that of the county of Madison, to the clerk of Oneida; those of the counties of Montgomery and Saratoga, to the clerk of Schenectady; that of the county of Tompkins, to the clerk of Tioga; that of the county of Chenango, to the clerk of Broome; that of the county of Sullivan, to the clerk of Orange; that of the county of Ulster, to the clerk of Greene; those of the counties of Rockland and Orange, to the clerk of Dutchess; that of the county of Richmond, to the clerk of New-York; and those of the counties of Otsego, Schoharie, Rensselaer and Albany, to the secretary of state.

3. That the 8th section be amended by striking out the words "and Yates," in the 5th line, and also by striking out the word "Seneca," and inserting "Ontario," in the last line.

4. That the 9th section be amended by striking out "Monroe," "Seneca," and "Montgomery."

5. That the Assembly recede from their amendments to the 15th and 18th sections.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake;" the engrossed bill from the Senate, entitled "An act to incorporate the Skeneateles academy;" the engrossed bill from the Senate, entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike;" the engrossed bill from the Senate, entitled "An act authorising John Smith, William Smith and Abram Smith to erect a dam across the Toughnioga river;" the engrossed bill from the Senate, entitled "An act amending 'An act for the relief of the inhabitants of Lake Pleasant,' passed March 23d, 1821;" the engrossed bill from the Senate, entitled "An act concerning the poor fund of the town of Cazenovia;" the engrossed bill from the Senate, entitled "An act to incorporate the Madison county rail-road company;" and the engrossed bill from the Senate, entitled "An act to incorporate the Flushing and Huntington turnpike company."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake," be referred to a select committee, consisting of Mr. Dean, Mr. Scott and Mr. Bostwick; that the engrossed bill from the Senate, entitled "An act to incorporate the Skeneateles academy," be referred to a select committee, consisting of Mr. Matthews, Mr. J. McDonald and Mr. Edgerton; that the engrossed bill from the Senate, entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike," be referred to a select committee, consisting of Mr. J. McDonald, Mr. W. McDonald and Mr. McNeil; that the engrossed bill from the Senate, entitled "An act authorising John Smith, William Smith and Abram Smith to erect a dam across the Toughnioga river," be referred to a select committee, consisting of Mr. Carley, Mr. Case and Mr. Gosman; that the engrossed bill from the Senate, entitled "An act amending "An act for the relief of the inhabitants of Lake Pleasant,' passed March 23d, 1821," be referred to a select committee, consisting of Mr. Bradish, Mr. Mann and Mr. Spier; that the engrossed bill from the Senate, entitled "An act concerning the poor fund of the town of Cazenovia," be referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Burt and Mr. Johnson; that the engrossed bill from the Senate, entitled "An act to incorporate the Madison county rail-road company," be referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Burt and Mr. Johnson; that the engrossed bill from the Senate, entitled "An act to incorporate the Flushing and Huntington turnpike

company," be referred to a select committee, consisting of Mr. Williamson, Mr. Hedges and Mr. Eldridge, severally to consider and report the same complete.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole, and to report all such bills as in their opinion may with safety and propriety be referred to select committees, to report complete, reported the bill entitled "An act securing to mechanics payment of their contracts for erecting houses and other buildings."

Ordered, That the said report be laid upon the table.

Mr. Dana, from the select committee to which was committed the bill entitled "An act for the relief of the Owego and Ithaca turnpike road company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Noble, from the select committee to which was committed the bill entitled "An act authorising the sale of certain lands in the town of Wolcott," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Arnold, from the select committee to which was committed the bill entitled "An act regulating the gauge of beer and cider casks in the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. J. Hall, from the select committee to which was committed the bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. C. L. Livingston, from the select committee to which was committed the bill entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mixer, from the select committee to which was committed the bill entitled "An act to incorporate the village of Fredonia," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bradish, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to amend an act for the relief of the inhabitants of Lake-Pleasant, passed March 23d, 1821," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Tower, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered to a third reading.

Mr. C. Baker, from the committee on the petitions of aliens, to which was referred the petition of Bridget Usher, praying for the passage of a law to confirm the title to a lot of land in the city of Troy, conveyed to her deceased husband, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. C. Baker, according to leave, brought in the said bill, entitled "An act for the relief of Bridget Usher and others;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana gave notice that he would, at some future time, ask leave to bring in a bill relative to suits on behalf of the people of this state.

On motion of Mr. Johnson,

Resolved, That the expenses attending the funeral obsequies of Ezra C. Gross, late a member of this house from the county of Essex, be audited by the committee of arrangements, certified by the chairman, and paid by the clerk out of the contingent fund of the assembly.

Ordered, That Mr. Bacon have leave of absence for eight days.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick;" and that the same be referred to a select committee, consisting of Mr. Eldridge, Mr. J. M'Donald and Mr. Mallory, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the appointment of a vice-chancellor for the first circuit;" and that the same be referred to a select committee, consisting of the members attending this house from the city and county of New-York, to consider and report thereon.

Ordered, That the committee on colleges, academies and common schools, be discharged from the further consideration of the petition of sundry inhabitants of Sterling Ell in the county of Wayne, relative to a certain school lot; and that the said petition be referred to the surveyor-general.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson;" the engrossed bill entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson;" the engrossed bill entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river;" the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820;" and the engrossed bill entitled "An act concerning the Watervliet turnpike company;" and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," and the said engrossed bill entitled "An act concerning the Watervliet turnpike company," were severally read the third time.

Ordered, That the said bills be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Salina;'" the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828;" the engrossed bill entitled "An act to incorporate the Rome and Vienna turnpike company," and the engrossed bill entitled "An act to incorporate the Deep Hollow branch turnpike road company," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Salina,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dickson	Mr. Hubbell	Mr. Scott
Mr. Armstrong	Mr. Dyckman	Mr. Ives	Mr. Seeley
Mr. Arnold	Mr. Dygert	Mr. Jenkins	Mr. Sheppard
Mr. Austin	Mr. Edgerton	Mr. Johnson	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Judd	Mr. Sloughter
Mr. C. Baker	Mr. Fillmore	Mr. Keith	Mr. A. Smith
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fleming	Mr. Mann	Mr. L. Smith
Mr. Barnett	Mr. Fowler	Mr. Mathews	Mr. Speaker
Mr. Bogert	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donold	Mr. Stanton
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Starr
Mr. Bradish	Mr. Gardiner	Mr. Mixer	Mr. Tabor
Mr. Brown	Mr. Garnsey	Mr. Morell	Mr. Teller
Mr. Burt	Mr. Goodman	Mr Myers	Mr. Tower
Mr. Carley	Mr. Gosman	Mr. Noble	Mr. J. Van Beuren
Mr. Carrier	Mr. Graham	Mr. Norton	Mr. Van Wyck
Mr. Case	Mr. J. Hall	Mr. Paige	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Dana	Mr. Hascall	Mr. Phoenix	Mr. Willey
Mr. Dayton	Mr. Hazeltine	Mr. Randall	Mr. Williams
Mr. Dean	Mr. Hedges	Mr. Redfield	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Sanford	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 95
NAYS 00

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Dickson	Mr. Jenkins	Mr. Sheppard
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Skinner
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. Sloughter
Mr. Bailey	Mr. Efner	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Eldridge	Mr. Mallory	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Mann	Mr. L. Smith
Mr. Baragar	Mr. Fitch	Mr. Mathews	Mr. T. L. Smith
Mr. Barnet	Mr. Fowler	Mr. M'Crea	Mr. Speaker
Mr. Bogert	Mr. Franklin	Mr. J. M'Donald	Mr. Spier
Mr. Bostwick	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. Mixer	Mr. Starr
Mr. Bradish	Mr. Goodman	Mr. Morell	Mr. Taber
Mr. Brown	Mr. Gosman	Mr. Myers	Mr. Teller
Mr. Burt	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Carley	Mr. Graves	Mr. Norton	Mr. J. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Van Wyck
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Young
Mr. Dean	Mr. Hubbell	Mr. Scott	95

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Rome and Vienna turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 89
NAYS 01

Those who voted in the affirmative are—

Mr. Allison	Mr. Dickson	Mr. Hazeltine	Mr. Savage
Mr. Armstrong	Mr. Dyckman	Mr. Hedges	Mr. Scott
Mr. Arnold	Mr. Dygert	Mr. Hubbell	Mr. Seeley
Mr. Austin	Mr. Efner	Mr. Ives	Mr. Sheppard
Mr. C. Baker	Mr. Eldridge	Mr. Johnson	Mr. Skinner
Mr. E. Baker	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. Baragar	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. Barnett	Mr Fleming	Mr. Mallory	Mr. L. Smith

Mr. Bogert	Mr. Fowler	Mr. Mann	Mr. T. L. Smith	
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. Speaker	
Mr. Boynton	Mr. P. C. Fuller	Mr. M'Crea	Mr. Spier	
Mr. Bradish	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Stanton	
Mr. Brown	Mr. Garbutt	Mr. W. M'Donald	Mr. Starr	
Mr. Burt	Mr. Gardner	Mr. Mixer	Mr. Tabor	
Mr. Carley	Mr. Garnsey	Mr. Morell	Mr. Teller	
Mr. Carrier	Mr. Goodman	Mr. Noble	Mr. Tower	
Mr. Chandler	Mr. Gosman	Mr. Norton	Mr. J. Van Beuren	
Mr. Collier	Mr. Graham	Mr. Paige	Mr. Waring	
Mr. Curtiss	Mr. Graves	Mr. Partridge	Mr. Willey	
Mr. Dana	Mr. J. Hall	Mr. Phoenix	Mr. Williams	
Mr. Dayton	Mr. W. Hall	Mr. Randall	Mr. Williamson	
Mr Defreest	Mr. Hascall	Mr. Sanford	Mr. Young	88

Those who voted in the negative are—

Mr. Edgerton	Mr. A. Smith	2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to incorporate the Deep Hollow branch turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92}
{NAYS 04}

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Hubbard	Mr. Scott	
Mr. Armstrong	Mr. Dyckman	Mr. Hubbell	Mr. Seeley	
Mr. Arnold	Mr. Dygert	Mr. Ives	Mr. Sheppard	
Mr. Austin	Mr. Efner	Mr. Jenkins	Mr. Skinner	
Mr. Bailey	Mr. Eldridge	Mr. Johnson	Mr. Sloughter	
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith	
Mr. E. Baker	Mr. Fitch	Mr. Keith	Mr. L. Smith	
Mr. Baragar	Mr. Fleming	Mr. Lindsley	Mr. T. L. Smith	
Mr. Barnet	Mr. Fowler	Mr. Mann	Mr. Speaker	
Mr. Bogert	Mr. Franklin	Mr. Mathews	Mr. Spier	
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton	
Mr. Bradish	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr	
Mr. Brown	Mr. Garbutt	Mr. W. M'Donald	Mr. Tabor	
Mr. Burt	Mr. Gardiner	Mr. Mixer	Mr. Teller	
Mr. Carley	Mr. Garnsey	Mr. Morell	Mr. Tower	
Mr. Carrier	Mr. Goodman	Mr. Myers	Mr. J. Van Beuren	
Mr. Case	Mr. Gosman	Mr. Noble	Mr. Van Wyck	
Mr. Chandler	Mr. Graham	Mr. Norton	Mr. Waring	
Mr. Collier	Mr. Graves	Mr. Paige	Mr. Wheeler	
Mr. Curtiss	Mr. J. Hall	Mr. Partridge	Mr. Willey	
Mr. Dana	Mr. Hammond	Mr. Randall	Mr. Williams	
Mr. Dayton	Mr. Hazeltine	Mr. Redfield	Mr. Williamson	
Mr. Dean	Mr. Hedges	Mr. Sanford	Mr. Young	92

Those who voted in the negative are—

Mr. Dickson	Mr. Edgerton	Mr. Hascall	Mr. A. Smith	4

250

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the East-kill turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 89
NAYS 05

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Hedges	Mr. Savage
Mr. Armstrong	Mr. Dygert	Mr. Hubbard	Mr. Scott
Mr. Arnold	Mr. Efner	Mr. Hubbell	Mr. Seeley
Mr. Austin	Mr. Eldridge	Mr. Ives	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr Jenkins	Mr. H. D. Smith
Mr. E. Baker	Mr. Fitch	Mr. Johnson	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Keith	Mr. T. L. Smith
Mr. Barnett	Mr. Fowler	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Crea	Mr. Starr
Mr. Brown	Mr. Garbutt	Mr. J. M'Donald	Mr. Tabor
Mr. Burt	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Carley	Mr. Garnsey	Mr. Mixer	Mr. Tower
Mr. Carrier	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren
Mr. Case	Mr. Gosman	Mr. Myers	Mr. Van Wyck
Mr. Chandler	Mr. Graham	Mr. Noble	Mr. Waring
Mr. Collier	Mr. Graves	Mr. Norton	Mr. Wheeler
Mr. Curtiss	Mr. J. Hall	Mr. Partridge	Mr. Willey
Mr. Dana	Mr. W. Hall	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Hammond	Mr. Redfield	Mr. Williamson
Mr. Dean	Mr. Hazeltine	Mr. Sanford	Mr. Young
Mr. Defreest			

89

Those who voted in the negative are—

Mr. Dickson	Mr. Hascall	Mr. Sheppard	Mr. A. Smith
Mr. Edgerton			

5

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Essex steam navigation company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 97
NAYS 00

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Hubbard	Mr. Scott
Mr. Armstrong	Mr. Dygert	Mr. Hubbell	Mr. Seeley
Mr. Arnold	Mr. Edgerton	Mr. Ives	Mr. Sheppard
Mr. Austin	Mr. Efner	Mr. Jenkins	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. Johnson	Mr. Sloughter
Mr. C. Baker	Mr. Fillmore	Mr. Judd	Mr. A. Smith
Mr. Baragar	Mr. Fitch	Mr. Keith	Mr. H. D. Smith
Mr. Barnet	Mr. Fleming	Mr. Lindsley	Mr. L. Smith
Mr. Bogert	Mr. Fowler	Mr. Mallory	Mr. T. L. Smith
Mr. Bostwick	Mr. Franklin	Mr. Mann	Mr. Speaker
Mr. Boynton	Mr. P. C. Fuller	Mr. Mathews	Mr. Spier
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Brown	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Burt	Mr. Gardner	Mr. W. M'Donald	Mr. Tabor
Mr. Carley	Mr. Garnsey	Mr. Mixer	Mr. Teller
Mr. Carrier	Mr. Goodman	Mr. Morell	Mr. Tower
Mr. Case	Mr. Gosman	Mr. Myers	Mr. J. Van Beuren
Mr. Chandler	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Collier	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Curtiss	Mr. W. Hall	Mr. Partridge	Mr. Wheeler
Mr. Dana	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Dayton	Mr. Hascall	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Hazeltine	Mr. Sanford	Mr. Williamson
Mr. Defreest	Mr. Hedges	Mr. Savage	Mr. Young
Mr. Dickson			97

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act to divide the town of Homer in the county of Cortland," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act declaring a part of the Little Conewango creek a public highway;" the bill entitled "An act authorising Stephen Coal to erect a dam across the Canisteo river;" the bill entitled "An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren;" the bill entitled "An act to amend 'An act authorising the trustees of school district number eight, in the town of York, to sell the old school lot belonging to the said district,' passed November 11th, 1828;" the bill entitled "An act relative to the duties of the clerk of the police office in the city of New-York;" and the bill entitled "An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Three several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act authorising the appointment of inspectors for the Schoharie-kill bridge company;" the bill entitled "An act for the relief of the late treasurer of Livingston county;" and the bill entitled "An act confirming the reports of the trustees of certain school districts in this state," with the amendments therewith delivered.

The said bills and amendments were read; and the amendments having been again read, were severally concurred in.

Thereupon,

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same accordingly.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," and the bill entitled "An act in relation to the criminal courts in the city of New-York," in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," was referred to a select committee, consisting of Mr. Edgerton, Mr. Skinner and Mr. Johnson; and the bill entitled "An act in relation to the criminal courts in the city of New-York," was referred to a select committee, consisting of Mr. Dana, Mr. T. L. Smith and Mr. Arnold, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the overseers of the poor of the town of Peru to pay over the monies in their hands to the commissioners of highways of said town," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to prevent hawking and pedling in the city of New-York;" the bill entitled "An act respecting the salaries and compensation of certain public officers;" the bill entitled "An act concerning trespasses on lands contracted to be sold by the state;" and the bill entitled "An act directing the sale of a lot in Buffalo, to Henry Kip;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to prevent hawking and peddling in the city of New-York," was referred to a select committee, consisting of Mr. Myers, Mr. Bogert and Mr. Dyckman; the bill entitled "An act respecting the salaries and compensation of certain public officers," was referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Fowler and Mr. Mallory; the bill entitled "An act concerning trespasses on lands contracted to be sold by the state," was referred to a select committee, consisting of Mr. Bradish, Mr. Lindsley and Mr. Dickson; and the bill entitled "An act directing the sale of a lot in Buffalo, to Henry Kip," was referred to a select committee, consisting of Mr. Burt, Mr. Johnson and Mr. W. K. Fuller, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to relieve the fourth ward of the city of Albany from a certain tax," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Mohawk Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Troy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, APRIL 13, 1829.

The House met pursuant to adjournment.

Two several remonstrances of sundry inhabitants of the county of Cattaraugus, against the levy and assessment of a tax on the inhabitants of said county, for rebuilding a court-house and jail in said county, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of the president, directors and company of the bank of Washington and Warren, praying for a renewal of their charter, was read, and referred to the committee on the incorporation and alteration of the charters of banking and insurance companies.

The petition of Abraham G. Thompson and others, praying for the passage of a law amendatory of the act entitled "An act to incorporate the Long Island canal company," was read, and referred to a select committee, consisting of Mr. Jones, Mr. Williamson and Mr. Wyckoff.

The remonstrance of James Burt and others, inhabitants of the county of Orange, against the appointment of commissioners for draining the Quaker creek meadows in the towns of Goshen and Warwick, in said county, was read, and referred to the committee on agriculture.

The petition of the Kinderhook manufacturing company, praying for the passage of a law to allow them a portion of the public school monies of the town of Kinderhook, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Genesee, praying for the passage of a law to authorise the board of supervisors of that county to raise money by tax for the construction of roads and bridges, was read, and committed to a committee of the whole when on the bill upon that subject.

The petition of John Dows and others, owners of line boats on the Erie canal, praying for the passage of a law to allow their boats equal privileges with packets in passing locks, was read, and referred to a select committee, consisting of Mr. Norton, Mr. Johnson and Mr. Mann.

Mr. Myers, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York," reported, that they have examined the said bill, and prepared an amendment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill and amendment be committed to a committee of the whole house.

Mr. Eldridge, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. J. M'Donald, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. Williamson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Flushing and Huntington turnpike company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

Mr. W. K. Fuller, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Madison county rail-road company," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendment ordered to be engrossed, and the bill ordered a third reading.

Mr. Sanford, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act authorising John M'Lallen to establish a ferry across the Cayuga lake," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act authorising John Seymour to erect a dam in the Susquehannah river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bradish, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning trespasses on lands contracted to be sold by the state," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Edgerton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," reported, that they have examined the said bill, and see no reason why the same should not be passed into a a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. W. K. Fuller, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the poor fund of the town of Cazenovia," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Matthews, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Skeneateles academy," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in relation to the criminal courts in the city of New-York," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that the same be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Burt, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act directing the sale of a lot in Buffalo to Henry Kip," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that the same be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany;" the bill entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings;" the bill entitled "An act authorising the Philipstown turnpike company to abandon a part of their road;" the bill entitled "An act to incorporate the Albany horticultural society;" the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812;" the bill entitled "An act to elect the justices of the peace in the city of Troy;" the engrossed bill from the Senate, entitled "An act for the relief of the heirs of William Jones, deceased;" and the engrossed bill from the Senate, entitled "An act authorising the sale of certain lands in the village of Lewiston."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany," be referred to a select

committee, consisting of Mr. Johnson, Mr. Bradish and Mr. Arnold; that the bill entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings," be referred to a select committee, consisting of Mr. Bogert, Mr. Williamson and Mr. Dyckman; that the bill entitled "An act authorising the Philipstown turnpike company to abandon a part of their road," be referred to a select committee, consisting of Mr. E. Baker, Mr. Judd and Mr. Tailor; that the bill entitled "An act to incorporate the Albany horticultural society," be referred to a select committee, consisting of Mr. Austin, Mr. Starr and Mr. Stanton; that the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown, in the county of Otsego,' passed June 12th, 1812," be referred to a select committee, consisting of Mr. Morell, Mr. Hubbell and Mr. Bradish; that the bill entitled "An act to elect the justices of the peace in the city of Troy," be referred to a select committee, consisting of Mr. Mann, Mr. Edgerton and Mr. Mallory; that the engrossed bill from the Senate, entitled "An act for the relief of the heirs of William Jones, deceased," be referred to a select committee, consisting of Mr. Bogert, Mr. Myers and Mr. Dyckman; and that the engrossed bill from the Senate, entitled "An act authorising the sale of certain lands in the village of Lewiston," be referred to a select committee, consisting of Mr. Fillmore, Mr. Garnsey and Mr. Skinner, to be by the said select committees severally reported complete.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Mohawk Bank;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

Mr. Edgerton made a motion that the house should agree to amend the report of the committee of the whole, by striking out all of the bill after the enacting clause, and inserting instead thereof the words following, to wit:

The act entitled "An act to incorporate the stockholders of the Mohawk Bank in the city of Schenectady," passed March 13th, 1807, and all acts and parts of acts relating to the same, now in force, shall be, and they are hereby continued in force, until the first day of January, one thousand eight hundred and fifty; subject, in all respects, to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, except sections sixteenth, seventeenth and eighteenth of article first of title second of said chapter; which said sections be, and the same are hereby repealed.

Debates were had upon the said motion of Mr. Edgerton; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	75
AYES	34

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Efner	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Falley	Mr. Lindsley	Mr. A. Smith
Mr. Austin	Mr. Fowler	Mr. Mallory	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. W. M'Donald	Mr. Tabor
Mr. Boynton	Mr. Goodman	Mr. Mixer	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Burt	Mr. Graves	Mr. Norton	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Paige	Mr. Waring

Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Hedges	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. Willey
Mr. Curtiss	Mr. Hornbeek	Mr. Sanford	Mr. Williams
Mr. Dana	Mr. Hubbard	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Jenkins	Mr. Seeley	Mr. Young
Mr. Dygert	Mr. Jones	Mr. Skinner	75

Those who voted in the affirmative are—

Mr. Arnold	Mr. Eldridge	Mr. Hubbell	Mr. T. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Johnson	Mr. Soper
Mr. Bogert	Mr. Fitch	Mr. Judd	Mr. Speaker
Mr. Bradish	Mr. Fleming	Mr. C. L. Livingston	Mr. Teller
Mr. Cargill	Mr. Franklin	Mr. M'Niel	Mr. Titus
Mr. Chandler	Mr. Gosman	Mr Myers	Mr. J. Van Beuren
Mr. Dickson	Mr. Hascall	Mr. Partridge	Mr. P. Van Beuren
Mr. Dyckman	Mr. Hazeltine	Mr. Sheppard	Mr. Van Wyck
Mr. Edgerton	Mr. Holdridge		34

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report upon the said bill, and it was determined in the affirmative.

{AYES 85}
{NAYS 20}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Falley	Mr. Lindsley	Mr. Seeley
Mr. Armstrong	Mr. Fillmore	Mr. Mallory	Mr. Skinner
Mr. Arnold	Mr. Fleming	Mr. Mandeville	Mr. Sloughter
Mr. Austin	Mr. Fowler	Mr. Mann	Mr. A. Smith
Mr. Bailey	Mr. Franklin	Mr. Mathews	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. M'Crea	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Soper
Mr. Baragar	Mr. Garbutt	Mr. M'Niel	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. Mixer	Mr. Starr
Mr. Boynton	Mr. Goodman	Mr. Morell	Mr. Taber
Mr. Brown	Mr. Graham	Mr. Myers	Mr. Tailor
Mr. Burt	Mr. Graves	Mr. Noble	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Heermans	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hornbeek	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Hubbard	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Ives	Mr. Sanford	Mr. Williamson
Mr. Defreest	Mr. Jenkins	Mr. Savage	Mr. Wyckoff
Mr. Dygert	Mr. Jones	Mr. Scott	Mr. Young
Mr. Efner			85

Those who voted in the negative are—

Mr. Cargill	Mr. Gosman	Mr. Johnson	Mr. Speaker
Mr. Chandler	Mr. Hascall	Mr. Judd	Mr. Teller
Mr. Dickson	Mr. Hazeltine	Mr. C. L. Livingston	Mr. Titus
Mr. Edgerton	Mr. Holdridge	Mr. Sheppard	Mr. J. Van Beuren
Mr. Fitch	Mr. Hubbell	Mr. T. L. Smith	Mr. Van Wyck 20

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Troy;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

AYES	89
NAYS	15

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Falley	Mr. Keith	Mr. Seeley
Mr. Armstrong	Mr. Fillmore	Mr. Lindsley	Mr. Skinner
Mr. Arnold	Mr Fleming	Mr. Mallory	Mr. Sloughter
Mr. Austin	Mr. Fowler	Mr. Mandeville	Mr. A. Smith
Mr. Bailey	Mr. Franklin	Mr. Mann	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mathews	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. M'Crea	Mr. Soper
Mr. Baragar	Mr. Garbutt	Mr. W. M'Donald	Mr. Spier
Mr. Bogert	Mr. Garnsey	Mr. M'Niel	Mr. Starr
Mr. Bostwick	Mr. Goodman	Mr. Mixer	Mr. Tabor
Mr. Boynton	Mr. Graham	Mr. Morell	Mr. Tailor
Mr. Brown	Mr Graves	Mr. Myers	Mr. Tower
Mr. Burt	Mr. W. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. Hedges	Mr. Paige	Mr. Waring
Mr. Case	Mr. Heermans	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hornbeek	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hubbard	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Hubbell	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Ives	Mr. Sanford	Mr. Williamson
Mr Defreest	Mr. Jenkins	Mr. Savage	Mr. Wyckoff
Mr. Dygert	Mr. Jones	Mr. Scott	Mr. Young
Mr. Efner			

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Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Holdridge	Mr. Speaker
Mr. Chandler	Mr Gosman	Mr. Johnson	Mr. Teller
Mr. Dickson	Mr. Hascall	Mr. Judd	Mr. Titus
Mr. Dyckman	Mr. Hazeltine	Mr. C. L. Livingston	

15

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Ordered, That Mr. Dyckman have leave of absence for eight days, and Mr. J. Hall for six days.

Ordered, That the committee on the judiciary be added to the select committee consisting of the members attending this house from the city and county of New-York, to which was referred the bill entitled "An act for the appointment of a vice-chancellor for the first circuit."

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes;'" and that the said bill be committed to a select committee, consisting of Mr. Judd, Mr. Bradish and Mr. Holdridge, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820;" and that the said bill be referred to a select committee, consisting of Mr. J. McDonald, Mr. McNiel and Mr. W. McDonald, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to enable Thomas Perry, and James Perry, aliens, to take, hold and convey certain real estate;" and that the said bill be referred to the committee on the petitions of aliens.

In pursuance of previous notice, Mr. Scott asked for and obtained leave to bring in a bill entitled "An act to authorise the trustees of the First Presbyterian society of Livonia, in the county of Livingston, to sell a certain lot of land;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

In pursuance of previous notice, Mr. Dana asked for and obtained leave to bring in a bill entitled "An act relative to suits on behalf of the people of this state;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that the same be committed to a select committee, consisting of Mr. Skinner, Mr. Soper and Mr. Dickson, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorise the board of supervisors of the county of Genesee, in their discretion, to raise certain monies for the purpose of building roads and bridges;" and that the said bill be committed to a select committee, consisting of Mr. Skinner, Mr. Bailey and Mr. Hascall, to report the same complete.

Ordered, That the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed 12th April, 1825," be committed to a committee of the whole when on the several bills for the incorporation of banks, and the renewal of bank charters.

The Senate returned by their clerk, the bill entitled "An act confirming the reports of the trustees of certain school districts in the county of Broome;" the bill entitled "An act for the relief of the late treasurer of Livingston county;" and the bill entitled "An act authorising the appointment of inspectors for the Schoharie-kill bridge company."

Ordered, That the clerk deliver the said bills to the acting Governor.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in the first of its resolutions relating to the survey of the proposed routes of a canal from the Erie canal to the Genesee river," and have non-concurred in the second of the said resolutions.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants;" the engrossed bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation;" the engrossed bill entitled "An act regulating the gauge of beer and cider casks in the city of New-York;" and the engrossed bill entitled "An act authorising the sale of certain lands in the town of Wolcott," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act regulating the gauge of beer and cider casks in the city of New-York," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the sale of certain lands in the town of Wolcott," was read the third time.

Resolved, That the same do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the village of Fredonia," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the village of Fredonia," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Edgerton	Mr. Judd	Mr. Sheppard
Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. Sloughter
Mr. Austin	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Mallory	Mr. T. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. M'Crea	Mr. Speaker
Mr. Bostwick	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Spier
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Stanton
Mr. Brown	Mr. Garbutt	Mr. M'Niel	Mr. Starr
Mr. Burt	Mr. Garnsey	Mr. Mixer	Mr. Tailor
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. Teller
Mr. Carley	Mr. Graham	Mr. Myers	Mr. Titus
Mr. Carrier	Mr. Hazeltine	Mr. Noble	Mr. Tower
Mr. Case	Mr. Hedges	Mr. Norton	Mr. J. Van Beuren
Mr. Collier	Mr. Heermans	Mr. Paige	Mr. P. Van Beuren
Mr. Curtiss	Mr. Holdridge	Mr. Partridge	Mr. Waring
Mr. Dana	Mr. Hubbard	Mr. Phoenix	Mr. Wheeler
Mr. Dean	Mr. Hubbell	Mr. Redfield	Mr. Willey
Mr. Defreest	Mr. Ives	Mr. Sanford	Mr. Williams
Mr. Dickson	Mr. Jenkins	Mr. Savage	Mr. Williamson
Mr. Dyckman	Mr. Johnson	Mr. Scott	Mr. Wyckoff
Mr. Dygert	Mr. Jones	Mr. Seeley	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act directing the sale of a lot in Buffalo to Henry Kip," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of the Owego and Ithaca turnpike road company," and the engrossed bill entitled "An act to

amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act for the relief of the Owego and Ithaca turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES 81
NAYS 07

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Fitch	Mr. Mann	Mr. T. L. Smith
Mr. Austin	Mr. Fleming	Mr. M'Crea	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. J. M'Donald	Mr. Speaker
Mr. E. Baker	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Spier
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Stanton
Mr. Bostwick	Mr. Gosman	Mr. Mixer	Mr. Starr
Mr. Boynton	Mr. Graham	Mr. Myers	Mr. Tabor
Mr. Brown	Mr. W. Hall	Mr. Norton	Mr. Tailor
Mr. Burt	Mr. Hammond	Mr. Paige	Mr. Teller
Mr. Cargill	Mr. Hazeltine	Mr. Partridge	Mr. Tower
Mr. Carley	Mr. Hedges	Mr. Randall	Mr. J. Van Beuren
Mr. Chandler	Mr. Holdridge	Mr. Sanford	Mr. P. Van Beuren
Mr. Collier	Mr. Hubbell	Mr. Savage	Mr. Vanderbilt
Mr. Curtiss	Mr. Ives	Mr. Scott	Mr. Waring
Mr. Dana	Mr Jenkins	Mr. Seeley	Mr. Waugh
Mr. Dean	Mr. Johnson	Mr. Sheppard	Mr. Wheeler
Mr. Defreest	Mr. Keith	Mr. Skinner	Mr. Williams
Mr. Dyckman	Mr. Lindsley	Mr. Sloughter	Mr. Williamson
Mr. Eldridge	Mr. Mallory	Mr. A. Smith	Mr. Wyckoff
Mr. Falley	Mr. Mandeville	Mr. L. Smith	Mr. Young
Mr. Fillmore			81

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. Franklin	Mr. Hascall
Mr. Dickson	Mr. Efner	Mr. Goodman	7

The said engrossed bill, entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 98
NAYS 00

Those who voted in the affirmative are—

Mr. Allison	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. T. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr

Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. Goodman	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Gosman	Mr. Mixer	Mr. Teller
Mr. Cargill	Mr. Graham	Mr. Morell	Mr. Titus
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Tower
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. J. Van Beuren
Mr. Case	Mr. Hascall	Mr. Partridge	Mr. P. Van Beuren
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Vanderbilt
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. Van Wyck
Mr. Curtiss	Mr. Heermans	Mr. Sanford	Mr. Waring
Mr. Dana	Mr. Holdridge	Mr. Savage	Mr. Waugh
Mr. Dean	Mr. Hubbell	Mr. Seeley	Mr. Wheeler
Mr. Defreest	Mr. Ives	Mr. Sheppard	Mr. Willey
Mr. Dygert	Mr. Jenkins	Mr. Skinner	Mr. Williams
Mr. Edgerton	Mr. Johnson	Mr. Sloughter	Mr. Williamson
Mr. Efner	Mr. Jones	Mr. A. Smith	Mr. Wyckoff
Mr. Eldridge	Mr. Keith	Mr. H. D. Smith	Mr. Young
Mr. Falley	Mr. Lindsley		

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the New-York sacred music society," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88}
{NAYS 10}

Those who voted in the affirmative are—

Mr. Allison	Mr. Falley	Mr. Judd	Mr. Scott
Mr. Armstrong	Mr. Fillmore	Mr. Keith	Mr. Seeley
Mr. Arnold	Mr. Fowler	Mr. Lindsley	Mr. Sloughter
Mr. Austin	Mr. Franklin	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. Baragar	Mr. Goodman	Mr. Mann	Mr. Soper
Mr. Bogert	Mr. Gosman	Mr. Mathews	Mr. Speaker
Mr. Bostwick	Mr. Graham	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. W. Hall	Mr. W. M'Donald	Mr. Tailor
Mr. Brown	Mr. Hammond	Mr. M'Niel	Mr. Teller
Mr. Burt	Mr. Hascall	Mr. Morell	Mr. Titus
Mr. Cargill	Mr. Hazeltine	Mr Myers	Mr. Tower
Mr. Carley	Mr. Hedges	Mr. Noble	Mr. J. Van Beuren
Mr. Carrier	Mr. Heermans	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. Holdridge	Mr. Paige	Mr. Waring
Mr. Chandler	Mr. Hornbeek	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hubbell	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Ives	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Jenkins	Mr. Redfield	Mr. Williamson
Mr. Defreest	Mr. Johnson	Mr. Sanford	Mr. Wyckoff
Mr. Dygert	Mr. Jones	Mr. Savage	Mr. Young 88

Those who voted in the negative are—

Mr. Bailey	Mr. Efner	Mr. Sheppard	Mr. Spier
Mr. Dean	Mr. Garbutt	Mr. A. Smith	Mr. Williams
Mr. Edgerton	Mr. Mixer		10

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Salina and Port Watson rail-road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 86
NAYS 04

Those who voted in the affirmative are—

Mr. Allison	Mr. Efner	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Fillmore	Mr. Lindsley	Mr. A. Smith
Mr. Arnold	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Austin	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. Bailey	Mr. P. C. Fuller	Mr. Mandeville	Mr. T. L. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mann	Mr. Speaker
Mr. Baragar	Mr. Garbutt	Mr. Mathews	Mr. Spier
Mr. Bogert	Mr. Goodman	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Gosman	Mr. W. M'Donald	Mr. Taber
Mr. Boynton	Mr. Graham	Mr. M'Niel	Mr. Teller
Mr. Brown	Mr. W. Hall	Mr. Morell	Mr. Titus
Mr. Burt	Mr. Hammond	Mr. Myers	Mr. J. Van Beuren
Mr. Cargill	Mr. Hascall	Mr. Norton	Mr. Vanderbilt
Mr. Carley	Mr. Hazeltine	Mr. Paige	Mr. Van Wyck
Mr. Carrier	Mr. Hedges	Mr. Partridge	Mr. Waring
Mr. Collier	Mr. Heermans	Mr. Randall	Mr. Waugh
Mr. Curtiss	Mr. Holdridge	Mr. Redfield	Mr. Wheeler
Mr. Dana	Mr. Hornbeek	Mr. Scott	Mr. Willey
Mr. Dean	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Jenkins	Mr. Sheppard	Mr. Wyckoff
Mr. Dyckman	Mr. Johnson	Mr. Skinner	Mr. Young
Mr. Dygert	Mr. Judd		86

Those who voted in the negative are—

Mr. Eldridge	Mr. Garnsey	Mr. Tailor	Mr. Williams 4

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act concerning the Watervliet turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 86
NAYS 06

Those who voted in the affirmative are—

Mr. Allison	Mr. Fillmore	Mr. Keith	Mr. L. Smith
Mr. Arnold	Mr. Fleming	Mr. Lindsley	Mr. T. L. Smith
Mr. Austin	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. Goodman	Mr. M'Crea	Mr. Tailor

Mr. Brown	Mr. Gosman	Mr. J. M'Donald	Mr. Teller
Mr. Burt	Mr. Graham	Mr. W. M'Donald	Mr. Titus
Mr. Cargill	Mr. Graves	Mr. M'Niel	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Morell	Mr. J. Van Beuren
Mr. Case	Mr. Hazeltine	Mr. Myers	Mr. P. Van Beuren
Mr. Chandler	Mr. Hedges	Mr. Norton	Mr. Vanderbilt
Mr. Collier	Mr. Heermans	Mr. Partridge	Mr. Van Wyck
Mr. Curtiss	Mr. Holdridge	Mr. Randall	Mr. Waugh
Mr. Dana	Mr. Hornbeek	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Defreest	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr Dyckman	Mr. Johnson	Mr. Skinner	Mr. Wyckoff
Mr. Dygert	Mr. Jones	Mr. Sloughter	Mr. Young
Mr. Eldridge	Mr. Judd		86

Those who voted in the negative are—

Mr. Bailey	Mr. Hascall	Mr. A. Smith	Mr. Willey
Mr. Edgerton	Mr. Sheppard		6

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d 1823," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 91
NAYS 07

Those who voted in the affirmative are—

Mr. Allison	Mr. Efner	Mr. Keith	Mr. H. D. Smith
Mr. Armstrong	Mr. Eldridge	Mr. Lindsley	Mr. T. L. Smith
Mr. Arnold	Mr. Falley	Mr. C. L. Livingston	Mr. Soper
Mr. Austin	Mr. Fillmore	Mr. Mallory	Mr. Speaker
Mr. C. Baker	Mr Fleming	Mr. Mandeville	Mr. Spier
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Tabor
Mr. Bogert	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Burt	Mr. Hammond	Mr. Myers	Mr. J. Van Beuren
Mr. Cargill	Mr. Hazeltine	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Hedges	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. Heermans	Mr. Partridge	Mr. Van Wyck
Mr. Chandler	Mr. Holdridge	Mr. Phoenix	Mr. Waring
Mr. Collier	Mr. Hornbeek	Mr. Randall	Mr. Wheeler
Mr. Curtiss	Mr. Hubbell	Mr. Redfield	Mr. Willey
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Jenkins	Mr. Scott	Mr. Williamson
Mr Defreest	Mr. Johnson	Mr. Seeley	Mr. Wyckoff
Mr. Dyckman	Mr. Jones	Mr. Skinner	Mr. Young
Mr. Dygert	Mr. Judd	Mr. Sloughter	91

Those who voted in the negative are—

Mr. Bailey	Mr. Goodman	Mr. Hascall	Mr. Waugh
Mr. Dickson	Mr. Gosman	Mr. Sheppard	7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	98
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Lindsley	Mr. A. Smith
Mr. Armstrong	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. Mallory	Mr. L. Smith
Mr. Austin	Mr. Fitch	Mr. Mandeville	Mr. T. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Mann	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Mathews	Mr. Speaker
Mr. E. Baker	Mr. P. C. Fuller	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tabor
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Bostwick	Mr. Garnsey	Mr. Mixer	Mr. Teller
Mr. Boynton	Mr. Goodman	Mr. Morell	Mr. Titus
Mr. Brown	Mr. Gosman	Mr. Myers	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Noble	Mr. J. Van Beuren
Mr. Cargill	Mr. Hammond	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. Hazeltine	Mr. Paige	Mr. Vanderbilt
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Van Wyck
Mr. Chandler	Mr. Heermans	Mr. Randall	Mr. Waring
Mr. Collier	Mr. Holdridge	Mr. Redfield	Mr. Waugh
Mr. Curtiss	Mr. Hornbeek	Mr. Savage	Mr. Wheeler
Mr. Dana	Mr. Hubbell	Mr. Scott	Mr. Willey
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Williams
Mr. Defreest	Mr. Johnson	Mr. Sheppard	Mr. Williamson
Mr. Dyckman	Mr. Jones	Mr. Skinner	Mr. Wyckoff
Mr. Dygert	Mr. Judd	Mr. Sloughter	Mr. Young
Mr. Efner	Mr. Keith		98

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act concerning the poor fund of the town of Cazenovia," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Madison county rail-road company," with the engrossed amendment, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendment, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	01

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Judd	Mr. A. Smith
Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. Austin	Mr. Fitch	Mr. C. L. Livingston	Mr. Soper
Mr. Bailey	Mr. Fowler	Mr. Mallory	Mr. Speaker
Mr. C. Baker	Mr. Franklin	Mr. Mandeville	Mr. Spier
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mann	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. Mathews	Mr. Starr
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donald	Mr. Tabor
Mr. Bostwick	Mr. Garnsey	Mr. M'Niel	Mr. Tailor
Mr. Boynton	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Brown	Mr. Gosman	Mr. Morell	Mr. Titus
Mr. Burt	Mr. Graham	Mr Myers	Mr. Tower
Mr. Cargill	Mr. W. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Van Wyck
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. Waring
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. Holdridge	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hubbell	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Johnson	Mr. Sheppard	Mr. Wyckoff
Mr. Dickson	Mr. Jones	Mr. Sloughter	Mr. Young
Mr. Dygert			

97

Those who voted in the negative are—

Mr. Edgerton 1

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendment therewith delivered.

The engrossed bill from the Senate, entitled "An act to incorporate the Flushing and Huntington turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Lindsley	Mr. H. D. Smith
Mr. Arnold	Mr. Falley	Mr. C. L. Livingston	Mr. L. Smith
Mr. Austin	Mr. Fleming	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Speaker
Mr. E. Baker	Mr. Garbutt	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Garnsey	Mr. Mathews	Mr. Stanton
Mr. Bogert	Mr. Goodman	Mr. J. M'Donald	Mr. Tabor
Mr. Bostwick	Mr. Gosman	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Graham	Mr. M'Niel	Mr. Teller
Mr. Brown	Mr. W. Hall	Mr. Morell	Mr. Titus
Mr. Burt	Mr. Hammond	Mr. Myers	Mr. Tower
Mr. Cargill	Mr. Hazeltine	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Hedges	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. Heermans	Mr. Paige	Mr. Van Wyck
Mr. Chandler	Mr. Holdridge	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hubbell	Mr. Redfield	Mr. Wheeler

Mr. Curtiss	Mr. Ives	Mr. Sanford	Mr. Williams
Mr. Dana	Mr Jenkins	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Johnson	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Jones	Mr. Seeley	Mr. Young
Mr. Dyckman	Mr. Judd	Mr. Sheppard	87

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act in relation to the criminal courts in the city of New-York," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act relative to the National insurance company," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 99}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Efner	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Keith	Mr. A. Smith
Mr. Arnold	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Austin	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mallory	Mr. T. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Titus
Mr. Cargill	Mr. Graham	Mr. Myers	Mr. Tower
Mr. Carley	Mr. Graves	Mr. Noble	Mr. J. Van Beuren
Mr. Case	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hascall	Mr. Paige	Mr. Van Wyck
Mr. Collier	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. Waugh
Mr. Dana	Mr. Heermans	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Defreest	Mr. Hornbeek	Mr. Savage	Mr. Williams
Mr. Dickson	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dyckman	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Dygert	Mr. Johnson	Mr. Sheppard	Mr. Young
Mr. Edgerton	Mr. Jones	Mr. Skinner	99

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act relative to the Brooklyn fire insurance company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 100}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. A. Smith
Mr. Austin	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mandeville	Mr. T. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Gardner	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Starr
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. Taber
Mr. Burt	Mr. Gosman	Mr. M'Niel	Mr. Tailor
Mr. Cargill	Mr. Graham	Mr. Mixer	Mr. Teller
Mr. Carley	Mr. Graves	Mr. Morell	Mr. Titus
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Tower
Mr. Chandler	Mr. Hascall	Mr. Norton	Mr. J. Van Beuren
Mr. Collier	Mr. Hazeltine	Mr. Paige	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Vanderbilt
Mr. Dana	Mr. Heermans	Mr. Phoenix	Mr. Van Wyck
Mr. Dean	Mr. Holdridge	Mr. Randall	Mr. Waring
Mr. Defreest	Mr. Hubbell	Mr. Redfield	Mr. Waugh
Mr. Dickson	Mr. Ives	Mr. Sanford	Mr. Wheeler
Mr. Dyckman	Mr. Jenkins	Mr. Scott	Mr. Williams
Mr. Dygert	Mr. Johnson	Mr. Seeley	Mr. Williamson
Mr. Edgerton	Mr. Jones	Mr. Sheppard	Mr. Wyckoff
Mr. Eldridge	Mr. Judd	Mr. Skinner	Mr. Young 100

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Skeneateles academy," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 90}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Ebner	Mr. Jones	Mr. A. Smith
Mr. Arnold	Mr. Eldridge	Mr. Keith	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Mallory	Mr. Soper
Mr. E. Baker	Mr. Fitch	Mr. Mann	Mr. Speaker
Mr. Baragar	Mr Fleming	Mr. Mathews	Mr. Spier
Mr. Bogert	Mr. Fowler	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Franklin	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. W. K. Fuller	Mr. M'Niel	Mr. Teller
Mr. Burt	Mr. Garbutt	Mr. Mixer	Mr. Titus
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Gosman	Mr. Myers	Mr. J. Van Beuren
Mr. Case	Mr. Graham	Mr. Partridge	Mr. P. Van Beuren
Mr. Collier	Mr. W. Hall	Mr. Phoenix	Mr. Vanderbilt
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Waring
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Sanford	Mr. Wheeler
Mr Defreest	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Dickson	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Dyckman	Mr. Ives	Mr. Skinner	Mr. Wyckoff
Mr. Dygert	Mr. Jenkins	Mr. Sloughter	Mr. Young
Mr. Edgerton	Mr. Johnson		90

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act amending 'An act for the relief of the inhabitants of Lake Pleasant,' passed March 23d, 1821," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," together with the engrossed amendment, was read the third time.

Resolved, That the same do pass.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have passed the said bill, with the amendment therewith delivered.

The engrossed bill from the Senate, entitled "An act requiring certain persons to perform their highway work on the Whitehall and Granville turnpike," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to alter the October term of the courts of common pleas and general sessions in and for the county of Warren."

"An act authorising Stephen Coal to erect a dam across the Canisteo river."

"An act declaring a part of the Little Conewango creek a public highway."

E. T. THROOP.

Albany, *April* 11, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the overseers of the poor of the town of Queensbury to pay over certain monies."

"An act relative to the duties of the clerk of the police office in the city of New-York."

"An act to amend 'An act authorising the trustees of school district number eight, in the town of York, to sell the old school lot belonging to the said district,' passed November 11th, 1828."

E. T. THROOP.

Albany, *April* 11, 1829.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act making further appropriation to complete the Cayuga and Seneca canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skinner, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the house adjourned until seven o'clock this afternoon.

7 O'CLOCK P. M.

The House met pursuant to adjournment.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Geneva;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Monroe Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Mann made a motion that the house should agree to reconsider its vote on agreeing with the report of the committee of the whole on the bill entitled "An act to extend for a limited period the charter of the Mohawk Bank."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Mann, and it was determined in the affirmative.

Thereupon,

The report of the committee of the whole having been amended by the house,

Mr. Speaker put the question whether the house would agree to the report of the committee of the whole as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. Mann made a motion that the house should agree to reconsider its vote on agreeing with the report of the committee of the whole on the bill entitled "An act to extend for a limited period the charter of the Bank of Troy."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Mann, and it was determined in the affirmative.

Thereupon,

The report of the committee of the whole having been amended by the house,

Mr. Speaker put the question whether the house would agree to the report of the committee of the whole as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. Mann made a motion that the house should agree to reconsider its vote on agreeing with the report of the committee of the whole on the bill entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Mann, and it was determined in the affirmative.

Thereupon,

The report of the committee of the whole having been amended by the house,

Mr. Speaker put the question whether the house would agree to the report of the committee of the whole as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, APRIL 14, 1829.

The House met pursuant to adjournment.

The petition of Edmund Day of the city of New-York, praying that he may be authorised to assume the name of Edmund Day Sutton, was read, and referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Edgerton and Mr. Morell.

The petition of the town officers of the town of Ballston, praying for the passage of a law authorising the supervisors of that town to raise $400 by tax, for the purpose of building a bridge across the outlet of Long lake in said town, was read, and referred to a select committee, consisting of Mr. Mandeville, Mr. E. Baker and Mr. Hubbard.

The petition of sundry inhabitants of the town of Ontario, praying for a division of that town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Herkimer, praying for the passage of a law to allow constables, thirty days after the expiration of their offices, to collect executions in their hands at the time of such expiration, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the counties of Warren, Essex and Washington, against the passage of a law to authorise lowering the dam at the outlet of Lake George, was read, and ordered to be laid upon the table.

The petition of the mayor, aldermen and commonalty of the city of Schenectady, praying for certain amendments to their city laws, was read, and referred to the committee on the incorporation of cities and villages.

The petition of M. R. Bartlett, praying for the appointment of a committee of the Senate and Assembly, to examine his "Common School Manuel," was read, and referred to a select committee, consisting of Mr. Soper, Mr. Skinner and Mr. J. McDonald.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Ontario in the county of Wayne, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Ontario in the county of Wayne;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the Kinderhook manufacturing company, praying to be allowed a portion of the school monies of the town of Kinderhook, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act concerning school districts number two and five in the town of Kinderhook;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mann, from the committee on claims, to whom was referred the petition of sundry inhabitants of the counties of Franklin and St. Lawrence, praying for

the passage of a law for the relief of Lemuel Warren, a contractor for the construction of a road through the St. Regis reservation, in pursuance of an act of the legislature, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Lemuel Warren;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. L. Livingston, from the select committee to which was referred the petition of Edmund Day, praying for the passage of a law to change his name, reported:

That the petitioner is a half brother of George Sutton of the city of New-York, who has for many years been employed as a captain in the line of packets plying between the city of New-York and Charleston: and that the petitioner is likewise engaged in the same business. In consequence of the connection so formed with Captain Sutton, and the present dependence and future expectations from said Sutton, the petitioner is desirous that his name may be changed from Edmund Day to Edmund Day Sutton. The committee have prepared a bill, which they now ask leave to introduce.

Ordered. That leave be given to bring in such bill.

Mr. C. L. Livingston, according to leave, brought in the said bill, entitled "An act to change the name of Edmund Day;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Soper, from the select committee to which was committed the bill entitled "An act for the relief of the town of Hampstead in the county of Rockland, and to establish a permanent name for said town," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title so as to read "An act for the relief of the town of Hampstead in the county of Rockland," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Johnson, from the select committee to which was committed the bill entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act relative to suits on behalf of the people of this state," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Austin, from the select committee to which was committed the bill entitled "An act to incorporate the Albany horticultural society," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mann, from the select committee to which was committed the bill entitled "An act to elect the justices of the peace in the city of Troy," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. E. Baker, from the select committee to which was committed the bill entitled "An act authorising the Philipstown turnpike company to abandon a part of their road," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Judd, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse racing, and for other purposes,'' passed April 5th, 1828," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act respecting the salaries and compensation of certain public officers," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Carley, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising John Smith, William Smith and Abram Smith, to erect a dam across the Tioughnioga river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. J. M'Donald, from the select committee to which was referred the engrossed bill engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," reported, that they have examined the said bill, prepared certain amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be re-engrossed.

Mr. T. L. Smith, from the select committee to which was referred the bill entitled "An act for the appointment of a vice-chancellor for the first circuit," reported, that the committee have gone through the said bill, filled up the blank, agreed to the same, and recommend that the same be engrossed for a third reading.

Ordered, That the said report be laid upon the table.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to divide the town of Constable;" the bill entitled "An act to divide the town of Clymer in the county of Chautauque;" the bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque;" the bill entitled "An act to alter the law in relation to courts of general sessions of the county of Montgomery;" the bill entitled "An act to discontinue a certain part of a highway in the town of Columbia, in the county of Herkimer;" the bill entitled "An act

to incorporate the Schenectady African school society;" the bill entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville;'" the bill entitled "An act to amend the act entited 'An act to incorporate the Washington volunteer fire company in the village of Troy;'" and the bill entitled "An act incorporating the firemen of the city of Troy, by the name of the fire department of the city of Troy."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to divide the town of Constable, be referred to a select committee, consisting of Mr. Bradish, Mr. Young and Mr. Garbutt; that the bill entitled "An act to divide the town of Clymer in the county of Chautauque," be referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Fitch; that the bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque," be referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Fitch; that the bill entitled "An act to alter the law in relation to courts of general sessions of the county of Montgomery," be referred to a select committee, consisting of Mr. Randall, Mr. Spier and Mr. Young; that the bill entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer," be referred to a select committee, consisting of Mr. Mann, Mr. Dygert and Mr. Sloughter; that the bill entitled "An act to incorporate the Schenectady African school society," be referred to a select committee, consisting of Mr. Burt, Mr. Paige and Mr. Scott; that the bill entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville,'" be referred to a select committee, consisting of Mr. Starr, Mr. Dickson and Mr. Stanton; that the bill entitled "An act to amend the act entitled 'An act to incorporate the Washington volunteer fire company in the village of Troy,'" be referred to a select committee, consisting of Mr. Heermans, Mr. Hubbell and Mr. Mallory; that the bill entitled "An act incorporating the firemen of the city of Troy by the name of the fire department of the city of Troy," be referred to a select committee, consisting of Mr. Mallory, Mr. Hubbell and Mr. Heermans," severally to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Bethpage turnpike company, in the county of Queens;" and that the said bill be committed to a select committee, consisting of Mr. Dickson, Mr. Jones and Mr. Wyckoff, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to divide the town of Ontario in the county of Wayne," and that the said bill be committed to a select committee, consisting of Mr. Armstrong, Mr. Boynton and Mr. Fitch, to report the same complete.

Ordered, That the bill entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin," be committed to a select committee, consisting of Mr. Myers, Mr. Fowler and Mr. Cargill, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the revised statutes, so far as they relate to the standard of measures of capacity," and that the said bill be committed to a select committee, consisting of Mr. Savage, Mr. Arnold and Mr. Johnson, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Scottsville canal company," and that the said bill be committed to a select committee, consisting of Mr. Garbutt, Mr. Johnson and Mr. Armstrong, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport, in the county of Cayuga," and that the said bill be committed to a select committee, consisting of Mr. Noble, Mr. Burt and Mr. Taber, to report the same complete.

Mr. Dean offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur,) That this legislature will adjourn on Monday the 27th instant.

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act concerning the printing of legal notices in the city and county of New-York;" and that the same be referred to a select committee of eight, one from each senate district, consisting of Mr. T. L. Smith, Mr. Fowler, Mr. Hynds, Mr. Edgerton, Mr. Johnson, Mr. Gosman, Mr. Noble and Mr. Fitch, to consider and report thereon.

Mr. Edgerton made a motion that the house should agree to reconsider its vote of yesterday, on the third reading of the bill entitled "An act for the relief of the Owego and Ithaca turnpike road company."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Edgerton, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	7

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Efner	Mr. Mallory	Mr. A. Smith
Mr. Arnold	Mr. Fillmore	Mr. Mandeville	Mr. H. D. Smith
Mr. Austin	Mr. Fleming	Mr. Mann	Mr. T. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Speaker
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Spier
Mr. Barnet	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Bogert	Mr. Garbutt	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. M'Niel	Mr. Tabor
Mr. Boynton	Mr. Garnsey	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. Morell	Mr. Teller
Mr. Brown	Mr. Hammond	Mr. Myers	Mr. Titus
Mr. Burt	Mr. Hazeltine	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. Hedges	Mr. Norton	Mr. J. Van Beuren
Mr. Carley	Mr. Heermans	Mr. Paige	Mr. P. Van Beuren
Mr. Carrier	Mr. Hubbell	Mr. Partridge	Mr. Vanderbilt
Mr. Collier	Mr. Hynds	Mr. Randall	Mr. Van Wyck
Mr. Curtiss	Mr. Ives	Mr. Sanford	Mr. Waring
Mr. Dana	Mr. Jenkins	Mr. Savage	Mr. Wheeler
Mr. Davenport	Mr. Johnson	Mr. Scott	Mr. Willey
Mr. Dayton	Mr. Jones	Mr. Seeley	Mr. Williams
Mr. Dean	Mr. Judd	Mr. Sheppard	Mr. Williamson
Mr. Defreest	Mr. Keith	Mr. Skinner	Mr. Wyckoff
Mr. Dickson	Mr. Lindsley	Mr. Sloughter	Mr. Young
Mr. Dygert	Mr. C. L. Livingston		94

Those who voted in the negative are—

Mr. Bailey	Mr. Edgerton	Mr. Fitch	Mr. Hascall
Mr. C. Baker	Mr. Eldridge	Mr. Graham	7

Thereupon,

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94
NAYS 07}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Fillmore	Mr. Mandeville	Mr. Sloughter
Mr. Arnold	Mr. Fowler	Mr. Mann	Mr. A. Smith
Mr. Austin	Mr. P. C. Fuller	Mr. Mathews	Mr. H. D. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. M'Crea	Mr. T. L. Smith
Mr. Barnet	Mr. Garbutt	Mr. J. M'Donald	Mr. Speaker
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. M'Niel	Mr. Stanton
Mr. Boynton	Mr. Gosman	Mr. Mixer	Mr. Starr
Mr. Bradish	Mr. Graham	Mr. Morell	Mr. Tabor
Mr. Brown	Mr. Hammond	Mr Myers	Mr. Tailor
Mr. Burt	Mr. Hazeltine	Mr. Noble	Mr. Teller
Mr. Cargill	Mr. Hedges	Mr. Norton	Mr. Titus
Mr. Carley	Mr. Heermans	Mr. Paige	Mr. Tower
Mr. Carrier	Mr. Holdridge	Mr. Partridge	Mr. J. Van Beuren
Mr. Collier	Mr. Hubbell	Mr. Phoenix	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hynds	Mr. Randall	Mr. Vanderbilt
Mr. Dana	Mr. Ives	Mr. Redfield	Mr. Van Wyck
Mr. Dayton	Mr. Jenkins	Mr. Sanford	Mr. Waring
Mr. Dean	Mr. Johnson	Mr. Savage	Mr. Wheeler
Mr. Defreest	Mr. Jones	Mr. Scott	Mr. Williams
Mr. Dygert	Mr. Keith	Mr. Seeley	Mr. Williamson
Mr. Efner	Mr. Lindsley	Mr. Sheppard	Mr. Wyckoff
Mr. Eldridge	Mr. C. L. Livingston	Mr. Skinner	Mr. Young
Mr. Falley	Mr. Mallory		

94

Those who voted in the negative are—

Mr. Allison	Mr. Davenport	Mr. Edgerton	Mr. Hascall
Mr. Bailey	Mr. Dickson	Mr. Fitch	

7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then proceeded to the consideration of the report of the committee of the whole, on the engrossed bill from the Senate, entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and jail, and for other purposes."

Thereupon,

The report of the committee of the whole being divided, the first section of the bill was read, in the words following, to wit:

"The supervisors of the county of Cattaraugus shall cause to be raised, levied and collected, on and from the taxable property in said county, in the same manner as other county charges are levied and collected, the sum of six thousand dollars, for the purpose of building a court-house and gaol, separately, in the town of Ellicottville in said county; to be raised, levied and collected in four equal annual instalments, beginning with the present year."

Thereupon,

Mr. Mixer made a motion that the house should agree to amend the said section, by striking out of the same the words "shall cause to be raised, levied and collected," and inserting instead thereof the words "are hereby authorised, at their discretion, to raise, levy and collect"; and also to insert after the word "sum," in the fifth line, the words "not exceeding"; and also to strike out the word "separately," in the seventh line, and insert "or either of them."

Debates were had upon the said motion of Mr. Mixer; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 56}
{AYES 38}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Dayton	Mr. Hedges	Mr. Redfield
Mr. Armstrong	Mr. Defreest	Mr. Holdridge	Mr. Savage
Mr. Arnold	Mr. Efner	Mr. Hubbell	Mr. Scott
Mr. E. Baker	Mr. Fillmore	Mr Jenkins	Mr. Seeley
Mr. Barnett	Mr. Fitch	Mr. Johnson	Mr. A. Smith
Mr. Bogert	Mr. Fleming	Mr. Keith	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. Lindsley	Mr. Starr
Mr. Boynton	Mr. Franklin	Mr. Mallory	Mr. Tailor
Mr. Bradish	Mr. W. K. Fuller	Mr. Mann	Mr. Tower
Mr. Burt	Mr. Graham	Mr. M'Crea	Mr. P. Van Beuren
Mr. Cargill	Mr Graves	Mr. J. M'Donald	Mr. Van Wyck
Mr. Chandler	Mr. W. Hall	Mr. W. M'Donald	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. M'Niel	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Myers	Mr. Young 56

Those who voted in the affirmative are—

Mr. Austin	Mr. Eldridge	Mr. Ives	Mr. Spier
Mr. Bailey	Mr. Falley	Mr. Mandeville	Mr. Tabor
Mr. Carley	Mr. P. C. Fuller	Mr. Mixer	Mr. Teller
Mr. Carrier	Mr. Garbutt	Mr. Norton	Mr. Titus
Mr. Dana	Mr. Gardiner	Mr. Partridge	Mr. Vanderbilt
Mr. Davenport	Mr. Garnsey	Mr. Sanford	Mr. Willey
Mr. Dean	Mr. Goodman	Mr. Skinner	Mr. Williams
Mr. Dickson	Mr. Gosman	Mr. H. D. Smith	Mr. Williamson
Mr. Dygert	Mr. Hascall	Mr. Speaker	Mr. Wyckoff
Mr. Edgerton	Mr. Hynds		38

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

Ordered, That the said bill be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to extend for a limited period the charter of the Mohawk Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Troy;" the engrossed bill entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Geneva;" and the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824," and that the said bills are severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,' passed April 5th, 1828," and that the same is correctly engrossed.

Ordered, That the said bill be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act making further appropriations to complete the Cayuga and Seneca canal;" the engrossed bill entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake;" and

the engrossed bill entitled "An act authorising John Seymour to erect a dam in the Susquehannah river," and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act making further appropriations to complete the Cayuga and Seneca canal," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake," was read the third time.

Resolved. That the bill do pass.

The said engrossed bill, entitled "An act authorising John Seymour to erect a dam in the Susquehannah river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act authorising John Smith, William Smith and Abram Smith to erect a dam across the Tioughnioga river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the appointment of inspectors for the Schoharie-kill bridge company."

"An act to authorise the overseers of the poor of the town of Peru, to pay over the monies in their hands to the commissioners of highways of said town."

"An act for the relief of the late treasurer of Livingston county."

"An act confirming the reports of the trustees of certain school districts in the county of Broome."

E. T. THROOP.

Albany, April 13, 1829.

A message from the Senate, delivered by their clerk, with the bill and amendments, and the report of the committee of conference, therein mentioned, was read, informing that they have agreed to the report of the committee of conference on the amendments to the bill entitled "An act directing the manner of choosing electors of President and Vice-President," and have amended the said bill accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend the act incorporating a turnpike road from Coxsackie to Freehold, in the county of Greene, passed March 2d, 1805, and the several acts amending the same;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in relation to the office of public administrator in the city of New-York;" the bill entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga;" and the bill entitled "An act to incorporate the Brooklyn collegiate institute for young ladies;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to the office of public administrator in the city of New-York," was referred to a select committee, consisting of Mr. Arnold, Mr. T. L. Smith and Mr. Dana; the bill entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga," was referred to a select committee, consisting of Mr. Armstrong, Mr. Jenkins and Mr. L. Smith; and the bill entitled "An act to incorporate the Brooklyn collegiate institute for young ladies," was referred to a select committee, consisting of Mr. Skinner, Mr. Bradish and Mr. Wyckoff, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendment therewith delivered, was read, informing that they have passed the bill entitled "An act authorising the construction of a canal from the head of Seneca lake to Elmira," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house. and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the New-Hartford fire company," and the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess," with the amendments to the said bills therewith delivered.

Ordered, That the said bills and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act to incorporate the Madison county rail-road company," with the amendment thereto, therewith delivered.

Ordered, That the said bill and amendment be laid upon the table.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Monroe Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act to incorporate the president, directors and company of the Bank of Monroe," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Lockport Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Ithaca;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,
Ordered, That the report of the committee of the whole be laid upon the table.

And then the house adjourned until seven o'clock this afternoon.

7 O'CLOCK P. M.

The House met pursuant to adjournment.

The engrossed bill from the Senate, entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes," was read the third time.

Thereupon,
The said bill being amended, by the unanimous consent of the house,
Resolved, That the bill and amendment do pass.
Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendment therewith delivered.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Auburn;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Utica;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the New-York State Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Farmers' Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Middle District Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Newburgh;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Butchers' and Drovers' Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Genesee;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mann, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and ordered to be laid upon the table.

And then the House adjourned until nine o'clock to-morrow morning.

WEDNESDAY, APRIL 15, 1829.

The House met pursuant to adjournment.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Union Bank of the city of New-York, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Union Bank of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, on the petition of the president, directors and company of the Merchants' Bank of the city of New-York, praying for a renewal of their charter, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Merchants' Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The petition of the Baptist society and the Congregational society of the town of Eden in the county of Erie, praying for the passage of a law to authorise them to sell their real estate, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of sundry inhabitants of the town of Clarkson in the county of Monroe, praying for the passage of a law to alter the time of holding town meetings in that town, was read, and referred to the committee on the erection and division of towns and counties.

The memorial of the common council of the city of New-York, praying for an alteration of the law establishing the plan of West-street, was read, and referred to the members attending this house from the city and county of New-York.

Mr. Soper, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Herkimer, praying for the passage of a law to allow constables thirty days after the expiration of their offices to collect executions in their hands at the time of such expiration, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Soper, according to leave, brought in the said bill, entitled "An act relating to the duty of constables;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Skinner, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Brooklyn collegiate institute for young ladies," reported, that they have examined the said bill, prepared sundry amendments thereto, with which they see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Ordered, That the said report be laid upon the table.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county;" the bill entitled "An act to authorise the trustees of the village of Newburgh, to raise a hook, ladder and hose company;" the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passed April 2d, 1815;" the bill entitled "An act for the appointment of a commissioner to do certain duties of a justice of the supreme court, in the county of Seneca;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Rochester high school, in the county of Monroe,' passed March 15th, 1827;" the bill entitled "An act to incorporate the Owasco and Erie canal company;" the bill entitled "An act to incorporate the Butternuts and Unadilla manufacturing company;" the bill entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oyster-bay in the county of Queens;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the Harlaem river canal company.'"

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows, in Kings county," be referred to a select committee, consisting of Mr. Wyckoff, Mr. Jones and Mr. Vanderbilt; that the bill entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company," be referred to a select committee, consisting of Mr. Waugh, Mr. Graham and Mr. Fowler; that the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passed April 2d, 1815," be referred to a select committee, consisting of Mr. Seely, Mr. Austin and Mr. Soper; that the bill entitled "An act for the appointment of a commissioner to do certain duties of a justice of the supreme court, in the county of Seneca," be referred to a select

committee, consisting of Mr. Dana, Mr. Scott and Mr. Bostwick; that the bill entitled "An act to amend an act entitled 'An act to incorporate the Rochester high school, in the county of Monroe,' passed March 15th, 1827," be referred to a select committee, consisting of Mr. Norton, Mr. Skinner and Mr. P. C. Fuller; that the bill entitled "An act to incorporate the Owasco and Erie canal company," be referred to a select committee, consisting of Mr. Johnson, Mr. Taber and Mr. Noble; that the bill entitled "An act to incorporate the Butternuts and Unadilla manufacturing company," be referred to a select committee, consisting of Mr. Morell, Mr. Hubbard and Mr. Redfield; that the bill entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oyster-bay in the county of Queens," be referred to a select committee, consisting of Mr. Williamson, Mr. Jones and Mr. Hedges; and that the bill entitled "An act to amend an act entitled 'An act to incorporate the Harlaem river canal company,'" be referred to a select committee, consisting of Mr. T. L. Smith, Mr. C. L. Livingston and Mr. Cargill, severally to consider and report the same complete.

Mr. Garbutt, from the select committee to which was committed the bill entitled "An act to incorporate the Scottsville canal company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Burt, from the select committee to which was committed the bill entitled "An act to incorporate the Schenectady African school society," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Armstrong, from the select committee to which was committed the bill entitled "An act to divide the town of Ontario in the county of Wayne," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Myers, from the select committee to which was committed the bill entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Morell, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Noble, from the select committee to which was committed the bill entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport in the county of Cayuga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Starr, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mallory, from the select committee to which was committed the bill entitled "An act incorporating the firemen of the city of Troy, by the name of the Fire Department of the city of Troy," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bradish, from the select committee to which was committed the bill entitled "An act to divide the town of Constable," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dickson, from the select committee to which was committed the bill entitled "An act to incorporate the Bethpage turnpike company in the county of Queens," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mann, from the select committee to which was committed the bill entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Heermans, from the select committee to which was committed the bill entitled "An act to amend the act entited 'An act to incorporate the Washington volunteer fire company in the village of Troy,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bogert, from the select committee to which was committed the bill entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the bill entitled "An act to alter the law in relation to courts of general sessions of the county of Montgomery," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in relation to the office of public administrator in the city of New-York," reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that the same be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Fillmore, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising the sale of certain lands in the village of Lewiston," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to incorporate the Buffalo and Hamburgh turnpike company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Morell, from the select committee to which was committed the bill entitled "An act to incorporate the Butternuts and Unadilla hemp manufacturing company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Ordered, That Mr. A. Smith have leave of absence for ten days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act concerning school districts number two and five, in the town of Kinderhook;" and that the said bill be committed to a select committee, consisting of Mr. Holdridge, Mr. P. Van Beuren and Mr. Gosman, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga;" and that the said bill be committed to a select committee, consisting of Mr. Jenkins, Mr. Dana and Mr. Holdridge, to report the same complete.

Mr. Mixer gave notice that he would, on Saturday next, move for a call of the house.

The house then proceeded to the consideration of the resolution offered yesterday by Mr. Dean; the same was again read, in the words following, to wit:

Resolved, (if the Senate concur,) That this legislature will adjourn on Monday the 27th instant.

Thereupon,

Mr. Paige made a motion that the house should agree to lay the said resolution upon the table.

Debates were had upon the said motion of Mr. Paige; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 56}
{AYES 52}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Hynds	Mr. Sloughter
Mr. Bailey	Mr. Fleming	Mr. Jenkins	Mr. A. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. H. D. Smith
Mr. Boynton	Mr. Franklin	Mr. Mathews	Mr. L. Smith
Mr. Cargill	Mr. Garbutt	Mr. M'Crea	Mr. Soper
Mr. Carley	Mr. Gardner	Mr. W. M'Donald	Mr. Speaker
Mr. Collier	Mr. Garnsey	Mr. M'Niel	Mr. Tailor
Mr. Dean	Mr. Graves	Mr. Mixer	Mr. Titus
Mr. Dickson	Mr. W. Hall	Mr. Partridge	Mr. P. Van Beuren
Mr. Dygert	Mr. Hascall	Mr. Redfield	Mr. Vanderbilt
Mr. Edgerton	Mr. Hazeltine	Mr. Sanford	Mr. Waring
Mr. Efner	Mr. Hedges	Mr. Scott	Mr. Waugh
Mr. Eldridge	Mr. Heermans	Mr. Sheppard	Mr. Willey
Mr. Falley	Mr. Hubbell	Mr. Sill	Mr. Williamson 56

Those who voted in the affirmative are—

Mr. Allison	Mr. Dana	Mr. Keith	Mr. Seeley
Mr. Armstrong	Mr. Dayton	Mr. Lindsley	Mr. Skinner
Mr. Austin	Mr. Defreest	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. Fitch	Mr. Mann	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Tabor
Mr. Barnet	Mr. Goodman	Mr. Morell	Mr. Teller
Mr. Bogert	Mr. Gosman	Mr. Myers	Mr. Tower
Mr. Bostwick	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Bradish	Mr. Holdridge	Mr. Norton	Mr. Wheeler
Mr. Brown	Mr. Ives	Mr. Paige	Mr. White
Mr. Burt	Mr. Johnson	Mr. Phoenix	Mr. Williams
Mr. Carrier	Mr. Jones	Mr. Randall	Mr. Wyckoff
Mr. Curtiss	Mr. Judd	Mr. Savage	Mr. Young 52

Thereupon,

Mr. Burt made a motion that the house should agree to amend the said resolution, by striking out of the same the words "Monday the 27th instant," and inserting the words "Tuesday the 5th of May next."

Debates were had upon the said motion of Mr. Burt; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 70}
{NAYS 43}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Judd	Mr. H. D. Smith
Mr. Armstrong	Mr. Efner	Mr. Keith	Mr. T. L. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. Spier
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Stanton
Mr. E. Baker	Mr. Fleming	Mr. Mandeville	Mr. Starr
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Tabor

Mr. Barnet	Mr. Gardner	Mr. J. M'Donald	Mr. Tailor
Mr. Bogert	Mr. Goodman	Mr. Morell	Mr. Teller
Mr. Bostwick	Mr. Gosman	Mr Myers	Mr. Titus
Mr. Bradish	Mr. Graves	Mr. Noble	Mr. Tower
Mr. Brown	Mr. W. Hall	Mr. Paige	Mr. J. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. Phoenix	Mr. Van Wyck
Mr. Collier	Mr. Holdridge	Mr. Randall	Mr. Waring
Mr. Curtiss	Mr. Ives	Mr. Savage	Mr. White
Mr. Dana	Mr. Jenkins	Mr. Seeley	Mr. Wyckoff
Mr. Dayton	Mr. Johnson	Mr. Skinner	Mr. Young
Mr. Defreest	Mr. Jones		70

Those who voted in the negative are—

Mr. Al Burtis	Mr. Franklin	Mr. Mathews	Mr. Sloughter
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. A. Smith
Mr. Cargill	Mr. Garnsey	Mr. M'Niel	Mr. L. Smith
Mr. Carley	Mr. Graham	Mr. Mixer	Mr. Speaker
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. P. Van Beuren
Mr. Chandler	Mr. Hascall	Mr. Partridge	Mr. Vanderbilt
Mr. Dean	Mr. Hedges	Mr. Redfield	Mr. Waugh
Mr. Dickson	Mr. Heermans	Mr. Sanford	Mr. Wheeler
Mr. Edgerton	Mr. Hubbard	Mr. Scott	Mr. Willey
Mr. Eldridge	Mr. Hubbell	Mr. Sheppard	Mr. Williamson
Mr. Fowler	Mr. Hynds	Mr. Sill	43

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution as amended, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the said resolution to the Senate.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Monroe;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Lockport Bank;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Ithaca;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Auburn;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Utica;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the New-York State Bank;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Farmers' Bank;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Middle District Bank;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Newburgh;" the said report being, that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Butchers' and Drovers' Bank;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Genesee;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same.

Thereupon,

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report as amended, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the report of the select committee, on the bill entitled "An act for the appointment of a vice-chancellor for the first circuit;" the said report being that the committee had gone through the said bill, filled up the blank, and agreed to the same, and recommend that the same be engrossed for a third reading.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the amendment of the Senate to the amendment of this house to the bill entitled "An act to incorporate the Madison county rail-road company."

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said amendment, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	86
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Jenkins	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Johnson	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith
Mr. Bailey	Mr. Fowler	Mr. Keith	Mr. L. Smith
Mr. C. Baker	Mr. Frankiin	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. Garbutt	Mr. Mathews	Mr. Speaker
Mr. Barnet	Mr. Gardiner	Mr. M'Crea	Mr. Spier
Mr. Bostwick	Mr. Garnsey	Mr. J. M'Donald	Mr. Starr

Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. Mixer	Mr. Teller
Mr. Brown	Mr. W. Hall	Mr. Morell	Mr. Titus
Mr. Burt	Mr. Hammond	Mr. Noble	Mr. Tower
Mr. Carley	Mr. Hascall	Mr. Norton	Mr. J. Van Beuren
Mr. Chandler	Mr. Hedges	Mr. Paige	Mr. P. Van Beuren
Mr. Collier	Mr Heermans	Mr. Partridge	Mr. Van Wyck
Mr. Curtiss	Mr. Holdridge	Mr. Redfield	Mr. Wheeler
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Seeley	Mr. Young
Mr Defreest	Mr. Ives		86

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their said amendment.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of Abraham Chase;" the bill entitled "An act to divide the town of Richmond in the county of Ontario;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company;'" and the bill entitled "An act to amend the act entitled 'An act to authorise the erection of a dam across the Genesee river at Mount Morris,' passed April 13th, 1826," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills and copies of the resolutions therein mentioned, were read, informing that they have rejected the bill entitled "An act authorising a re-appraisement of certain lands in Oneida Castleton, and for other purposes," and the bill entitled "An act to lay out and improve a road through the Buffalo Indian reservation in the county of Erie."

The Senate returned by their clerk, the bill entitled "An act to relieve the fourth ward in the city of Albany, from a certain tax."

Ordered, That the clerk deliver the said bill to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have concurred with this house in its amendments to the bill entitled "An act for the relief of Gerard Van Schaick and Henry Van Schaick," and the bill entitled "An act relative to the National insurance company."

The amended bills having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to amend the act incorporating a turnpike road from Coxsackie to Freehold, in the county of Greene, passed March 2d, 1805, and the several acts amending the same."

"An act to amend an act entitled 'An act to incorporate the village of Albion,' passed April 21st, 1828."

"An act authorising the construction of a canal from the head of Seneca lake to Elmira."

E. T. THROOP.

Albany, April 15, 1829.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the

bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York," with the amendments therewith delivered; one of the amendments being, to alter the title to "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New-York, and for other purposes."

Ordered, That the said bill and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to provide for the transferring from the office of the secretary of state, to the office of the register in chancery, all such papers as were deposited in the office of the secretary of state for safe keeping, under the act of the 21st March, 1823," with the amendment therewith delivered; the said amendment being, to alter the title to "An act transferring the records of the court of probates to the office of the register in chancery."

The said bill and amendment were read; and the amendment having been again read, was concurred in.

Thereupon,

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery," and the engrossed bill entitled "An act to incorporate the Albany horticultural society," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the village of Canajoharie in the county of Montgomery," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 95
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. A. Smith
Mr. Allison	Mr. Edgerton	Mr. Keith	Mr. H. D. Smith
Mr. Armstrong	Mr. Efner	Mr. Lindsley	Mr. L. Smith
Mr. Austin	Mr. Falley	Mr. C. L. Livingston	Mr. Soper
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Fitch	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. Bogert	Mr. Franklin	Mr. M'Crea	Mr. Taber
Mr. Bostwick	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Titus
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Tower
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. P. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Vanderbilt
Mr. Cargill	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. Graves	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Sanford	Mr. White
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Scott	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Sheppard	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Sill	Mr. Young
Mr. Dickson	Mr. Jenkins	Mr. Sloughter	95

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Albany horticultural society," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	95
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Jones	Mr. A. Smith
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. L. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. Soper
Mr. Bailey	Mr. Falley	Mr. Lindsley	Mr. Speaker
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Spier
Mr. E. Baker	Mr. Fitch	Mr. Mallory	Mr. Stanton
Mr. Baragar	Mr. Fleming	Mr. Mandeville	Mr. Starr
Mr. Barnett	Mr. P. C. Fuller	Mr. Mann	Mr. Tabor
Mr. Bostwick	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Titus
Mr. Bradish	Mr. Gardiner	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Garnsey	Mr. Morell	Mr. J. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Myers	Mr. P. Van Buren
Mr. Cargill	Mr. Gosman	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. Graham	Mr. Norton	Mr. Van Wyck
Mr. Collier	Mr. W. Hall	Mr. Paige	Mr. Waring
Mr. Curtiss	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Davenport	Mr. Hedges	Mr. Savage	Mr. White
Mr. Dayton	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Dean	Mr. Holdridge	Mr. Seeley	Mr. Williams
Mr. Defreest	Mr. Hubbell	Mr. Sill	Mr. Williamson
Mr. Dickson	Mr. Hynds	Mr. Skinner	Mr. Young
Mr. Dygert	Mr. Johnson	Mr. Sloughter	95

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to elect the justices of the peace in the city of Troy;" the engrossed bill entitled "An act relative to suits on behalf of the people of this state;" and the engrossed bill entitled "An act for the relief of the town of Hampstead in the county of Rockland," and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act to elect the justices of the peace in the city of Troy," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to suits on behalf of the people of this state," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of the town of Hampstead in the county of Rockland," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,' passed April 5th, 1828," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative.

Thereupon,

Mr. J. McDonald offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,' passed April 5th, 1828."

Ordered, That the said resolution be laid upon the table.

The engrossed bill from the Senate, entitled "An act in relation to the office of public administrator in the city of New-York," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act authorising the sale of certain lands in the village of Lewiston," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hynds	Mr. L. Smith
Mr. Allison	Mr. Dickson	Mr. Ives	Mr. Soper
Mr. Armstrong	Mr. Dygert	Mr Jenkins	Mr. Speaker
Mr. Austin	Mr. Edgerton	Mr. Johnson	Mr. Spier
Mr. Bailey	Mr. Efner	Mr. Jones	Mr. Stanton
Mr. C. Baker	Mr. Falley	Mr. Keith	Mr. Tabor
Mr. E. Baker	Mr. Fillmore	Mr. Lindsley	Mr. Tailor
Mr. Baragar	Mr. Fitch	Mr. M'Crea	Mr. Titus
Mr. Bogert	Mr. Fowler	Mr. J. M'Donald	Mr. Tower
Mr. Bostwick	Mr. Franklin	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Boynton	Mr. P. C. Fuller	Mr. M'Niel	Mr. P. Van Beuren
Mr. Bradish	Mr. W. K. Fuller	Mr. Mixer	Mr. Vanderbilt
Mr. Brown	Mr. Garbutt	Mr. Noble	Mr. Van Wyck
Mr. Burt	Mr. Gardiner	Mr. Norton	Mr. Waring
Mr. Cargill	Mr. Goodman	Mr. Partridge	Mr. Waugh
Mr. Carrier	Mr. Gosman	Mr. Redfield	Mr. Wheeler
Mr. Chandler	Mr. Graham	Mr. Savage	Mr. White
Mr. Collier	Mr Graves	Mr. Scott	Mr. Willey
Mr. Curtiss	Mr. W. Hall	Mr. Seeley	Mr. Williams
Mr. Dana	Mr. Hammond	Mr. Sheppard	Mr. Williamson
Mr. Davenport	Mr. Hazeltine	Mr. Sloughter	Mr. Wyckoff
Mr. Dayton	Mr. Hedges	Mr. A. Smith	Mr. Young
Mr. Dean	Mr. Hubbell	Mr. H. D. Smith	91

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet

in the county of Albany," and the engrossed bill entitled "An act authorising the Philipstown turnpike company to abandon a part of their road," and that the said bills are severally correctly engrossed.

Thereupon,

Ordered, That the said engrossed bill, entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany," be laid upon the table.

The said engrossed bill entitled "An act authorising the Philipstown turnpike company to abandon a part of their road," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jones	Mr. Sloughter
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. H. D. Smith
Mr. Armstrong	Mr. Efner	Mr. Keith	Mr. L. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. Speaker
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Starr
Mr. Bogert	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tabor
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Gardner	Mr. M'Niel	Mr. Titus
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. Noble	Mr. P. Van Beuren
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hazeltine	Mr. Sanford	Mr. White
Mr. Curtiss	Mr. Hedges	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Heermans	Mr. Scott	Mr. Williams
Mr. Davenport	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Jenkins		94

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

And then the house adjourned until seven o'clock this afternoon.

7 O'CLOCK P. M.

The House met pursuant to adjournment.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act authorising the supervisors of the county of Cattaraugus to raise money to build a court-house and gaol, and for other purposes."

The said amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Susquehannah and Chemung navigation and railway company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

THURSDAY, APRIL 16, 1829.

The House met pursuant to adjournment.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the resolution instructing that committee to enquire and report to the house the propriety of so altering Title V. of Chapter X. of the Revised Statutes, as not to require the militia of this state to rendezvous either by companies, regiments or separate battalions, or to require them to rendezvous by companies only, reported:

That in considering the subject referred to in the resolution, they have examined the constitution of the United States, the law of congress providing for the organization of the militia, and the constitution and law of this state, so far as they relate to the subject referred to in the resolution.

The act of congress of 1792, plainly contemplates that there shall be, annually, regimental or separate battalion parades; and it makes it the duty of the several brigade-inspectors, annually, to inspect their respective brigades during the time of their being under arms, and to make a return once in each year, to the adjutant-general of the state, of the situation of the same; and the adjutant-general shall make a return of all the militia in the state, to the commander-in-chief, and a duplicate of the same to the president of the United States. This act of congress is still in force, and no state has a right to pass any law that shall contravene it.

The committee are aware that the militia and the militia system have been ridiculed as useless—even worse than useless. It is true, that militia parades are attended with expenditures of money and loss of time, and that improprieties often occur at them; but are these the only places where improprieties are committed? are they not common at all our popular assemblies—for instance, our annual elections, when most all, and the most important officers of our government are elected by the people, a large proportion of whom are not subject to military duty? And are our elections always attended with that order and regularity that they should be? Facts have abundantly shown the contrary.

Observation has shown to the committee that the disorders which are said to take place at military parades, are in but a very few cases the acts of those subject to duty; for while they are in the field, attending to the duties of

the day, others, who are not subject to military duty, and who might rather be at home attending to their proper business, from different motives attend. It is among this class of people that these disorders generally take place, and who after having become satisfied of their own folly, are generally among the first to declaim against militia parades.

That sacrifices are incurred in consequence of these parades, there is no doubt; but good also results from them. The soldier knows that by the use and means of arms, our fathers resisted the power and threw off the shackles of British slavery and usurpation, and established for themselves and their posterity, a free and independent government. When clad in armour, and formed in military array, it awakens in their minds deeds of glory, in which themselves or their countrymen have participated. It brings to recollection dangers, toils and sufferings they have undergone in defence of their country: all of which has a tendency to keep alive that spirit of patriotism and love of country, which is so highly necessary to the preservation of a republican form of government.

Have not the militia, on almost all occasions, been prompt in cases of alarm or invasion, to repair to the post of danger? and have they not on many occasions shown as much valor and intrepidity as regular troops? To prove this, many instances might be adduced; but the committee name but one. Who was it that saved New-Orleans, and perhaps a large portion of the western country from British invasion in 1815? Who was it that defeated at that place, the pride and flower of the British army, glorying in their strength, and elated with victory from the fields of Europe? It was a few hastily collected militia, commanded by General Jackson, who knew their worth and confided in their valor and fidelity.

The committee fully accord in opinion with the President of the United States, that "the militia is the bulwark of our defence": and his declaration, that "to any just system calculated to strengthen this national safeguard of the country, he shall cheerfully lend all the aid in his power," indicates a determination on his part to bring about what is, on all hands, admitted to be desirable—a militia system which shall be general in its character, and beneficial in its operations.

The present militia system of this state, in the opinion of the committee, is not the best that may be devised; the company parades and the officer meetings for improvement, (the last of which are considered the most burthensome,) may be abolished by a law of this state, and not contravene any act of congress on this subject. But believing that the general government will soon reorganize the whole militia system, and considering also from the lateness of the session, that no bill for this purpose can, with justice, be acted on before this legislature will adjourn, they have instructed their chairman to offer the following resolution:

Resolved, That it is inexpedient, at this time, to make any alterations in the militia law of this state, of the nature contemplated by the resolution.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the usual number of copies of the said report and resolution be printed for the use of the legislature.

Mr. Skinner, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of the Springville academy, praying for a certain amendment to the act incorporating that academy, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Skinner, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Burt, from the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, to which was referred the petition of sundry inhabitants of the county of Madison, praying for the incorporation of the Canastota turnpike company, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Burt, according to leave, brought in the said bill, entitled "An act to incorporate the Canastota turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Clarkson in the county of Monroe, for the passage of a law to alter the time of holding the annual town meeting of said town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to alter the time of holding town-meetings in the town of Clarkson in the county of Monroe;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the select committee to which was referred the memorial of Abraham G. Thompson, for and in behalf of himself and his associates, praying for the passage of a law amendatory of the act incorporating the Long-Island canal company, reported:

That the facts furnished the committee in relation to this subject, are as follows:

In 1828 a law was passed, constituting Abraham G. Thompson, and such persons as should, together with him, become stockholders, a body corporate, to be styled the Long-Island canal company: That this bill originated in the Assembly, and was introduced by the committee on canals and internal improvements. It was then referred to a select committee, consisting of the members composing the delegation from Suffolk and Kings counties, to consider thereon. The chairman of that committee reported the same with amendments, and it was ordered to a third reading, as may be seen by referring to the journals of this house for the year 1828, page 952. The committee are satisfied, from a communication received from the chairman of the select committee who reported the said bill, that it did not pass in the form agreed upon by that committee, nor does it appear to have been altered subsequently to their report by order of the house. The committee are therefore induced to believe from this communication, and from other information furnished them upon the subject, that an error was committed in engrossing the said bill, which escaped detection. This error, though slight in form, is material in substance, and has prevented the company from commencing the contemplated improvement. It consists in a transposition of the word "exclusively," in the third section of the bill, from one part of a sentence to another, so that the privilege which was intended to be conferred to the company incorporated, may yet be extended to others without limitation. The committee, therefore, in order to carry into effect what they believe to have been the design of the committee which reported, and of the legislature which passed the said bill, recommend the repeal of the third section thereof, and the passage of an amendatory act granting to the said company the exclusive privilege of constructing the said canal. For this purpose, the committee have prepared a bill, which they now ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. Jones, according to leave, brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Long-Island canal company,' passed April 15th, 1828;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that it be committed to a select committee, consisting of Mr. Jones, Mr. Williamson and Mr. Hedges, to report the same complete.

Mr. C. L. Livingston, from the select committee to which was referred the memorial of the mayor, aldermen and commonalty of the city of New-York, relative to the line of West-street, reported:

That according to the present plan for the formation of West-street, the easterly line thereof would be 180 feet distant from the westerly line of Washington-street, at the Albany basin, and 120 feet at the termination of the said streets on Marketfield-street. An alteration of this plan, whereby West-street would run parallel with Washington-street, south of the Albany basin, is one of the most desirable and substantial improvements of which the city is susceptible. It would lead to results permanently useful in the arrangement of the wharves, piers and slips, and afford extensive accommodation to the shipping in that section of the city. The owners of the property interested in the proposed alteration, have expressed to the corporation their readiness to undertake this great work, whenever proper plans shall have been adopted, and the contemplated street ordered to be made. The committee are of opinion that it is expedient to make the alteration; and they have prepared a bill to carry the same into effect, which they ask leave to introduce.

Ordered, That leave be given to bring in such bill.

Mr. C. L. Livingston, according to leave, brought in the said bill, entitled "An act relative to the line of West-street, between the Albany basin and Marketfield-street, in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Bank of New-York in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of New-York in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the City Bank in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the City Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Bank of America in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of America in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Mechanics' Bank in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Mechanics' Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Tradesmen's Bank in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Tradesmen's Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the petition of the president, directors and company of the Phœnix Bank in the city of New-York, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to extend for a limited period the charter of the Phœnix Bank in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mandeville, from the select committee to which was referred the petition of the town officers of the town of Ballston, for the passage of a law to raise four hundred dollars by tax on the inhabitants of that town, for the purpose of improving the road and bridge across the outlet of Long lake in said town, reported:

That they have examined the petition, and certificate of a vote taken at the last annual town-meeting in said town; from which it appears, that the inhabitants of said town consider the said bridge of great importance to said town, as the said bridge crosses the outlet of Long lake, and furnishes the only convenient means of intercourse between the eastern and western sections of said town. The committee are of opinion that the prayer of the petitioners ought to be granted, and ask for leave to introduce a bill.

Ordered, That leave be given to bring in such bill.

Mr. Mandeville, according to leave, brought in the said bill, entitled "An act authorising the sum of four hundred dollars to be raised by tax on the freeholders and inhabitants of the town of Ballston, for the improvement of a road and bridge across the outlet of Long lake in said town;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Williamson, from the select committee to which was committed the bill entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oysterbay in the county of Queens," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Wyckoff, from the select committee to which was committed the bill entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Norton, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. W. McDonald, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to incorporate the Waterville fire company;" the engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace;" the engrossed bill from the Senate, entitled "An act relative to applications to the legislature for grants of escheated lands;" the engrossed bill from the Senate, entitled "An act for the relief of purchasers on the Selkirk tract, in the county of Oswego;" the engrossed bill from the Senate, entitled "An act for the relief of Jemima Burk;" the engrossed bill from the Senate, entitled "An act concerning the state library;" the engrossed bill from the Senate, entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben;" the engrossed bill from the Senate, entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river;" and the engrossed bill from the Senate, entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona, in the county of Oneida."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to incorporate the Waterville fire company," be referred to a select committee, consisting of Mr. Tower, Mr. Edgerton and Mr. Franklin; that the engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace," be referred to a select committee, consisting of Mr. Eldridge, Mr. Gosman and Mr. Johnson; that the engrossed bill from the Senate, entitled "An act relative to applications to the legislature for grants of escheated lands," be referred to a select committee, consisting of Mr. White, Mr. Taber and Mr. Keith; that the engrossed bill from the Senate, entitled "An act for the relief of purchasers on the Selkirk tract, in the county of Oswego," be referred to a select committee, consisting of Mr. Bradish, Mr. Falley and Mr. Ives; that the engrossed bill from the Senate, entitled "An act for the relief of Jemima Burk," be referred to a select committee, consisting of Mr. Mann, Mr. Spier and Mr. Dygert; that the engrossed bill from the Senate, entitled "An act concerning the state library," be referred to a select committee, consisting of Mr. J. McDonald, Mr. Mann and Mr. Skinner; that the engrossed bill from the Senate, entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben," be referred to a select committee, consisting of Mr. Savage, Mr. White and Mr. Al Burtis; that the engrossed bill from the Senate, entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river," be referred to a select committee, consisting of Mr. Fitch, Mr. Fillmore and Mr. Hazeltine; and that the engrossed bill from the Senate, entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona, in the county of Oneida," be referred to a select committee, consisting of Mr. Johnson, Mr. Savage and Mr. White, severally to consider and report thereon.

Mr. Johnson, from the select committee to which was committed the bill entitled "An act to incorporate the Owasco and Erie canal company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Seeley, from the select committee to which was committed the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants in the village of Athens in the county of Greene,' passed April 2d, 1815," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Waugh, from the select committee to which was committed the bill entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. T. L. Smith, from the select committee to which was committed the bill entitled "An act to amend an act entited 'An act to incorporate the Harlaem river canal company,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Armstrong, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Burt, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to divide the town of Oppenheim in the county of Montgomery," reported, that they have examined the said bill, and are of opinion that the same ought not to become a law.

Ordered, That the said bill be committed to a committee of the whole house.

Ordered, That the bill entitled "An act securing to mechanics the payment of their contracts for erecting houses and other buildings," be the special order of the day for Thursday next.

Mr. Judd offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on agreeing with the committee of the whole in their report on the bill entitled "An act to extend for a limited period the charter of the Middle District Bank."

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to erect a new town from parts of the towns of Allen and Almond, in the county of Allegany;" and that the said bill be referred to a select committee, consisting of Mr. Fitch, Mr. Phoenix and Mr. Graves, to report the same complete.

On motion of Mr. Bradish,

Resolved, (if the Senate concur herein,) That all sales of lands in townships No. 9 and 10 of the Old military tract, through which the Port Kent and Hopkinton road is proposed to pass, be suspended by the Surveyor-General until after the close of the present session of the legislature.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act vesting in the United States of America, the jurisdiction over a certain piece of land in the town of Watervliet in the county of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

NAYS	94
AYES	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Edgerton	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Keith	Mr. L. Smith
Mr. Bailey	Mr. Eldridge	Mr. Lindsley	Mr. T. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Soper
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Speaker
Mr. Barnet	Mr. Fleming	Mr. Mandeville	Mr. Spier
Mr. Boynton	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Bradish	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Burt	Mr. Gardner	Mr. Morell	Mr. Titus
Mr. Cargill	Mr. Garnsey	Mr. Myers	Mr. J. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Norton	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Partridge	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Waugh
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Heermans	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Davenport	Mr. Hynds	Mr. Seeley	Mr. Williamson
Mr. Dayton	Mr. Ives	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Jenkins	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Johnson		94

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to alter the law in relation to courts of general sessions of the peace in the county of Montgomery," and that the same is correctly engrossed.

Thereupon,

The said bill being amended by the house,

Ordered, That the bill be re-engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to divide the town of Constable;" the engrossed bill entitled "An act for the appointment of a vice-chancellor for the first circuit;" the engrossed bill entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer;" the engrossed bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque;" the engrossed bill entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin;" and the engrossed bill entitled "An act to divide the town of Ontario in the county of Wayne," and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act to divide the town of Constable," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the appointment of a vice-chancellor for the first circuit," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to divide the town of Ontario in the county of Wayne," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Buffalo and Hamburgh turnpike company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Buffalo and Hamburgh turnpike company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 99}
{NAYS 01}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jenkins	Mr. Sill
Mr. Allison	Mr. Dickson	Mr. Johnson	Mr. Sloughter
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. L. Smith
Mr. Austin	Mr. Efner	Mr. Judd	Mr. T. L. Smith
Mr. Bailey	Mr. Eldridge	Mr. Keith	Mr. Soper
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. Speaker
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Spier
Mr. Baragar	Mr. Fleming	Mr. Mallory	Mr. Stanton
Mr. Barnett	Mr. Fowler	Mr. Mandeville	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. Mann	Mr. Tabor
Mr. Boynton	Mr. P. C. Fuller	Mr. Mathews	Mr. Tailor
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Titus
Mr. Brinkerhoff	Mr. Gardner	Mr. J. M'Donold	Mr. Tower
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Cargill	Mr. Gosman	Mr. Myers	Mr. Vanderbilt
Mr. Carley	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Hedges	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Hubbard	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Dayton	Mr. Hynds	Mr. Seeley	Mr. Young
Mr. Dean	Mr. Ives	Mr. Sheppard	99

Those who voted in the negative are—

Mr. Davenport 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act incorporating the firemen in the city of Troy, by the name of the Fire Department of the city of Troy," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act incorporating the firemen in the city of Troy, by the name of the Fire Department of the city of Troy," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Jenkins	Mr. Skinner
Mr. Allison	Mr. Eldridge	Mr. Johnson	Mr. Sloughter
Mr. Armstrong	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. Austin	Mr. Fillmore	Mr. Judd	Mr. Soper
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. Speaker
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. P. C. Fuller	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Brown	Mr. Gardner	Mr. W. M'Donald	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Goodman	Mr. Myers	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Noble	Mr. Vanderbilt
Mr. Case	Mr. Graham	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. Graves	Mr. Paige	Mr. Waugh
Mr. Curtiss	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Dana	Mr. Hazeltine	Mr. Sanford	Mr. White
Mr. Davenport	Mr. Hedges	Mr. Savage	Mr. Willey
Mr. Dayton	Mr Heermans	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Hubbard	Mr. Seeley	Mr. Williamson
Mr. Dickson	Mr. Hubbell	Mr. Sheppard	Mr. Wyckoff
Mr. Dygert	Mr. Hynds	Mr. Sill	Mr. Young
Mr. Edgerton	Mr. Ives		94

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Bethpage turnpike company in the county of Queens," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Bethpage turnpike company in the county of Queens," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 01}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Johnson	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. L. Smith
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Lindsley	Mr. Soper
Mr. Baragar	Mr. Fleming	Mr. C. L. Livingston	Mr. Speaker
Mr. Barnet	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Bostwick	Mr. Franklin	Mr. Mandeville	Mr. Starr
Mr. Boynton	Mr. P. C. Fuller	Mr. Mann	Mr. Taber

Mr. Bradish	Mr. W. K. Fuller	Mr. Mathews	Mr. Tailor
Mr. Brinkerhoff	Mr. Garbutt	Mr. M'Crea	Mr. Titus
Mr. Brown	Mr. Gardner	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Morell	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Myers	Mr. Vanderbilt
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Van Wyck
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Case	Mr. Hedges	Mr. Randall	Mr. Waugh
Mr. Chandler	Mr. Heermans	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hubbard	Mr. Savage	Mr. White
Mr. Curtiss	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Dana	Mr. Hynds	Mr. Seeley	Mr. Williamson
Mr. Dayton	Mr. Ives	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Jenkins	Mr. Sill	Mr. Young 92

Those who voted in the negative are—

Mr. Dickson 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Schenectady African school society," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Schenectady African school society," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88
NAYS 08}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hubbell	Mr. Scott
Mr. Allison	Mr. Defreest	Mr. Hynds	Mr. Seeley
Mr. Armstrong	Mr. Dickson	Mr. Ives	Mr. Skinner
Mr. Austin	Mr. Dygert	Mr Jenkins	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Johnson	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Jones	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Keith	Mr. Speaker
Mr. Barnett	Mr. Fowler	Mr. Lindsley	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mandeville	Mr. Tabor
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Tailor
Mr. Brown	Mr. Gardner	Mr. M'Crea	Mr. Titus
Mr. Burt	Mr. Goodman	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Gosman	Mr. Mixer	Mr. P. Van Beuren
Mr. Carley	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Carrier	Mr. Graves	Mr. Myers	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Norton	Mr. White
Mr. Collier	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Williamson
Mr. Dana	Mr. Heermans	Mr. Randall	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Young 88

Those who voted in the negative are—

Mr. Davenport	Mr. Efner	Mr. W. K. Fuller	Mr. Sheppard
Mr. Edgerton	Mr. Eldridge	Mr. Judd	Mr. Williams 8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Butternuts and Unadilla hemp manufacturing company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Butternuts and Unadilla hemp manufacturing company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	88
NAYS	07

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hynds	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Ives	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Johnson	Mr. L. Smith
Mr. Austin	Mr. Falley	Mr. Jones	Mr. T. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. C. L. Livingston	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Tabor
Mr. Bradish	Mr. Gardner	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren
Mr. Carley	Mr. Gosman	Mr Myers	Mr. P. Van Beuren
Mr. Case	Mr. Graham	Mr. Noble	Mr. Vanderbilt
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Sill	Mr. Young 88

Those who voted in the negative are—

Mr. Edgerton	Mr. Fitch	Mr. Mixer	Mr. Titus
Mr. Efner	Mr. J. M'Donald	Mr. Norton	7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville,'" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Judd	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Efner	Mr. Lindsley	Mr. L. Smith
Mr. Austin	Mr. Falley	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Soper
Mr. Baragar	Mr. Franklin	Mr. Mandeville	Mr. Speaker
Mr. Barnett	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Bogert	Mr. Garbutt	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. Gosman	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Carley	Mr. W. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Carrier	Mr. Hammond	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Hazeltine	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hedges	Mr. Paige	Mr. Van Wyck
Mr. Collier	Mr. Hubbard	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hubbell	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hynds	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Ives	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Jenkins	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Johnson	Mr. Sheppard	Mr. Wyckoff
Mr Defreest	Mr. Jones	Mr. Sill	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Lockport Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Ithaca;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Auburn;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Utica;" the engrossed bill entitled "An act to extend for a limited period the charter of the New-York State Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Farmers' Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Newburgh;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Butchers' and Drovers' Bank;" and the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Genesee," and that the said bills are severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

The engrossed bill entitled "An act to extend for a limited period the charter of the Mohawk Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	99
NAYS	10

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Lindsley	Mr. Sloughter
Mr. Austin	Mr. Fitch	Mr. Mallory	Mr. H. D. Smith
Mr. Bailey	Mr. Fowler	Mr. Mandeville	Mr. L. Smith
Mr. C. Baker	Mr. Franklin	Mr. Mann	Mr. T. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Soper

Mr. Barnett	Mr. W. K. Fuller	Mr. J. M'Donold	Mr. Spier
Mr. Bogert	Mr. Garbutt	Mr. W. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. M'Niel	Mr. Starr
Mr. Boynton	Mr. Garnsey	Mr. Mixer	Mr. Tabor
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. Tailor
Mr. Carley	Mr. Graham	Mr. Myers	Mr. Tower
Mr. Carrier	Mr. Graves	Mr. Noble	Mr. J. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Collier	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hedges	Mr. Phoenix	Mr. Wheeler
Mr. Dana	Mr. Heermans	Mr. Randall	Mr. White
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Willey
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Jenkins	Mr. Seeley	99

Those who voted in the negative are—

Mr. Burt	Mr. Edgerton	Mr. Hascall	Mr. Speaker
Mr. Cargill	Mr. Fleming	Mr. Judd	Mr. Van Wyck
Mr. Dickson	Mr. Gosman		10

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Troy," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{NAYS 99}
{AYES 05}

Those who voted in the affirmative are—

Mr. Allison	Mr. Efner	Mr. Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Fillmore	Mr. Keith	Mr. Sill
Mr. Austin	Mr. Fitch	Mr. Lindsley	Mr. Skinner
Mr. Bailey	Mr. Fowler	Mr. Mallory	Mr. Sloughter
Mr. C. Baker	Mr. Franklin	Mr. Mandeville	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. L. Smith
Mr. Barnet	Mr. W. K. Fuller	Mr. Mathews	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Spier
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Tabor
Mr. Brown	Mr. Goodman	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Carley	Mr. Graham	Mr. Morell	Mr. P. Van Beuren
Mr. Carrier	Mr. Graves	Mr. Myers	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Norton	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Paige	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. White
Mr. Dana	Mr. Hedges	Mr. Phoenix	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff
Mr. Defreest	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Dygert	Mr. Ives	Mr. Scott	99

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Fleming	Mr. Speaker
Mr. Dickson			5

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Monroe," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the president, directors and company of the Bank of Monroe," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 103
NAYS 04

Those who voted in the affirmative are—

Mr. Allison	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Arnold	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Barnet	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Graham	Mr. Myers	Mr. P. Van Beuren
Mr. Carrier	Mr. Graves	Mr. Noble	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Jenkins	Mr. Seeley	103

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Van Wyck 4

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The petition of Bradford Howland, of the town of Dartmouth in the state of Massachusetts, relative to certain lands sold for quit-rents, and purchased by the petitioner, was read, and referred to the committee on the judiciary.

A copy of a resolution of the senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of this morning, directing the Surveyor-General to suspend the sale of lands in townships No. 9 and 10 of the Old military tract, through which the Port Kent and Hopkinton road is proposed to pass, until after the close of the present session of the legislature.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act concerning escheats," in which bill they request the concurrence of this house.

Thereupon,

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Dana, Mr. Fleming and Mr. Bradish, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the construction of a road from Port Kent, in the county of Essex, to Hopkinton, in the county of St. Lawrence, and making an appropriation therefor," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in.

Thereupon,

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to amend 'An act to authorise the erection of a dam across the Genesee river at Mount Morris,' passed April 13th, 1826."

"An act to relieve the fourth ward of the city of Albany from a certain tax."

"An act to amend an act entitled 'An act to incorporate the Gravesend and Coney Island bridge and road company.'"

E. T. THROOP.

Albany, April 15, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act for the relief of Abraham Chase."

"An act to divide the town of Richmond in the county of Ontario."

E. T. THROOP.

Albany, April 15, 1829.

And then the house adjourned until seven o'clock this afternoon.

7 O'CLOCK P. M.

The House met pursuant to adjournment.

Ordered, That the several bank bills reported by the committee on the incorporation and alteration of the charters of banking and insurance companies, for the incorporation of new banks and the renewal of old bank charters, be committed to a committee of the whole, when on the bill entitled "An act to incorporate the president, directors and company of the Bank of Oneida."

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Oneida;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank in the city of Troy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until nine o'clock to-morrow morning.

FRIDAY, APRIL 17, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Chautauque, praying for the incorporation of the Chautauque steam-boat company, was read, and committed to a committee of the whole when on the bill upon that subject.

Mr. Armstrong, from the committee on the erection and division of towns and counties, to which were referred the petitions of sundry inhabitants of the town of Ellington in the county of Chautauque, praying for a division of that town, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Armstrong, according to leave, brought in the said bill, entitled "An act to divide the town of Ellington in the county of Chautauque;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. Baker, from the committee on the petitions of aliens, to which were referred the petitions of sundry aliens, praying for the passage of a law to enable them severally to purchase, take, hold and convey real estate within this state, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. C. Baker, according to leave, brought in the said bill, entitled "An act to enable certain aliens therein mentioned, to take, hold and convey real estate, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dana, from the committee on the judiciary, on the petition of Bradford Howland, praying for the passage of an act authorising the Comptroller to issue to him a new deed, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dana, according to leave, brought in the said bill, entitled "An act for the relief of Bradford Howland;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said bill, and that it be committed to a select committee, consisting of Mr. Starr, Mr. Norton and Mr. Curtiss, to report the same complete.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie;'" the engrossed bill from the Senate, entitled "An act to incorporate the village of Bainbridge in the county of Chenango;" the engrossed bill from the Senate, entitled "An act for the relief of Daniel Carswell;" the engrossed bill from the Senate, entitled "An act for the relief of William C. Housman and James A. Housman;" the engrossed bill from the Senate, entitled "An act authorising an additional amount of money to be raised by tax, for roads and bridges in the town of Florida;" the engrossed bill from the Senate, entitled "An act to incorporate the Niagara water works company;" the engrossed bill from the Senate, entitled "An act to amend an act appointing commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb, in the county of Essex;" the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Francis Atkinson;" and the engrossed bill from the Senate, entitled "An act to incorporate the Flushing steam-boat company."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie,'" be referred to a select committee, consisting of Mr. Fillmore, Mr. Burt and Mr. P. C. Fuller; that the engrossed bill from the Senate, entitled "An act to incorporate the village of Bainbridge in the county of Chenango," be referred to a select committee, consisting of Mr. Franklin, Mr. Case and Mr. Hubbell; that the engrossed bill from the Senate, entitled "An act for the relief of Daniel Carswell," be referred to a select committee, consisting of Mr. J. McDonald, Mr. McNeil and Mr. W. McDonald; that the engrossed bill from the Senate, entitled "An act for the relief of William C. Housman and James A. Housman," be referred to a select committee, consisting of Mr. T. L. Smith, Mr. Dayton and Mr. Jones; that the engrossed bill from the Senate, entitled "An act authorising an additional amount of money to be raised by tax, for roads and bridges in the town of Florida," be referred to a select committee, consisting of Mr. Taber, Mr. Keith and Mr. Randall; that the engrossed bill from the Senate, entitled "An act to incorporate the Niagara water works company," be referred to a select committee, consisting of Mr. Burt, Mr.

Garnsey and Mr. Fillmore; that the engrossed bill from the Senate, entitled "An act to amend an act appointing commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb, in the county of Essex," be referred to a select committee, consisting of Mr. Edgerton, Mr. Bradish and Mr. Burt; that the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Francis Atkinson," be referred to a select committee, consisting of Mr. Bogert, Mr. Dayton and Mr. White; and that the engrossed bill from the Senate, entitled "An act to incorporate the Flushing steam-boat company," be referred to a select committee, consisting of Mr. Jones, Mr. Bogert and Mr. Dayton, severally to consider and report the same complete.

Mr. White, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to applications to the legislature for grants of escheated lands," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. White, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Fitch, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising Aaron F. Lyon to erect a dam across the Tioga river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Dana, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning escheats," reported, that they have examined the said bill, see no reason why the same should not be passed into a law, and recommend that the same be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Bradish, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of purchasers on the Selkirk tract in the county of Oswego," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to appoint commissioners to lay out a road in the towns of Vernon and Verona in the county of Oneida," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendment ordered to be engrossed, and the bill was ordered to a third reading.

Mr. Fitch, from the select committee to which was committed the bill entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Chautauque," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Starr, from the select committee to which was committed the bill entitled "An act for the relief of Bradford Howland," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dana, from the select committee to which was committed the bill entitled "An act for the appointment of a commissioner to do certain duties of a justice of the supreme court in the county of Seneca," reported, that the committee had gone through the said bill, made amendments thereto. and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Tower, from the select committee to which was committed the bill entitled "An act to incorporate the Waterville volunteer fire company," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Jones, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island canal company,' passed April 15th, 1828," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act to authorise the board of supervisors of the county of Genesee, in their discretion, to raise certain monies, for the purpose of building roads and bridges." reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising an additional amount of money to be raised by tax, for roads and bridges, in the town of Florida," reported, that they have examined the said bill, prepared an amendment thereto, with which they see no reason why it should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

By unanimous consent, the amendment was ordered to be engrossed, and the bill was ordered to a third reading.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the relief of John Gifford;" and that the said bill be committed to a select committee, consisting of Mr. Spier, Mr. Judd and Mr. Mann, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the relief of the widow and heirs of the late Captain Isaiah Wool;" and that the said bill be committed to a select committee, consisting of Mr. Myers, Mr. Judd and Mr. Mann, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Troy and Bennington road and bridge company;" and that the said bill be committed to a select

committee, consisting of Mr. Mallory, Mr. White and Mr. Barnett, to report the same complete.

In pursuance of previous notice, Mr. Franklin asked for and obtained leave to bring in a bill entitled "An act relative to the Oxford and Lackawaxen turnpike road company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Wyckoff gave notice that he would, to-morrow, ask leave to introduce a bill to provide for the support of foreign poor landing in the city of New-York, and becoming chargeable upon other counties within two years.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act authorising the commissioners of the land-office to survey and sell certain lands;" and that the said bill be committed to a select committee, consisting of Mr. Bradish, Mr. Matthews and Mr. Eldridge, to report the same complete.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the New-Hartford fire company;" the said bill and amendments were read, and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Jenkins	Mr. Slonghter
Mr. Allison	Mr. Dickson	Mr. Johnson	Mr. H. D. Smith
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. L. Smith
Mr. Arnold	Mr. Edgerton	Mr. Keith	Mr. T. L. Smith
Mr. Bailey	Mr. Efner	Mr. Lindsley	Mr. Soper
Mr. C. Baker	Mr. Eldridge	Mr. C. L. Livingston	Mr. Speaker
Mr. E. Baker	Mr. Falley	Mr. Mallory	Mr. Spier
Mr. Barnett	Mr. Fillmore	Mr. J. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. Fitch	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. Fowler	Mr. M'Niel	Mr. Tabor
Mr. Bradish	Mr. Franklin	Mr. Mixer	Mr. Tailor
Mr. Brinkerhoff	Mr. P. C. Fuller	Mr. Morell	Mr. Teller
Mr. Brown	Mr. W. K. Fuller	Mr. Myers	Mr. Titus
Mr. Burt	Mr. Garbutt	Mr. Paige	Mr. Tower
Mr. Cargill	Mr. Gardner	Mr. Partridge	Mr. J. Van Beuren
Mr. Carley	Mr. Garnsey	Mr. Phoenix	Mr. P. Van Beuren
Mr. Case	Mr. Goodman	Mr. Randall	Mr. Vanderbilt
Mr. Chandler	Mr. Graham	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Sanford	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Scott	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Sheppard	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Sill	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Skinner	Mr. Young 96

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the report of the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Brooklyn collegiate institute for young ladies;" the

said report being that the committee had examined the said bill, prepared amendments thereto, with which they could see no reason why the same should not be passed into a law, and recommended that the amendments should be ordered to be engrossed, and the bill ordered to a third reading.

Thereupon,

By unanimous consent of the house, the amendments were ordered to be engrossed, and the bill ordered to a third reading.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. J. M'Donald; which was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,'' passed April 5th, 1828."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse racing, and for other purposes,'' passed April 5th, 1828," and it was determined in the affirmative.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled 'An act to amend the act entitled 'An act to incorporate the Washington volunteer fire company in the city of Troy,'" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Washington volunteer fire company in the city of Troy,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 91}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Arnold	Mr. Dygert	Mr. Ives	Mr. Sill
Mr. Austin	Mr. Edgerton	Mr. Johnson	Mr. Sloughter
Mr. Bailey	Mr. Efner	Mr. Judd	Mr. H. D. Smith
Mr. C. Baker	Mr. Eldridge	Mr. Keith	Mr. Soper
Mr. E. Baker	Mr. Falley	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Fillmore	Mr. C. L. Livingston	Mr. Spier
Mr. Barnett	Mr. Fowler	Mr. Mandeville	Mr. Stanton
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Tabor
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Niel	Mr. Teller
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Gardner	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Garnsey	Mr. Myers	Mr. J. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Graham	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr Graves	Mr. Paige	Mr. Waring
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Savage	Mr. Williamson
Mr. Defreest	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dickson	Mr. Hynds	Mr. Sheppard	

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Scottsville canal company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Scottsville canal company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Jenkins	Mr. Sill
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. Sloughter
Mr. Austin	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Judd	Mr. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Keith	Mr. T. L. Smith
Mr. Baragar	Mr. Franklin	Mr. Lindsley	Mr. Soper
Mr. Barnet	Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. Speaker
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mallory	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. Mandeville	Mr. Starr
Mr. Bradish	Mr. Gardner	Mr. M'Crea	Mr. Tabor
Mr. Brinkerhoff	Mr. Garnsey	Mr. W. M'Donald	Mr. Titus
Mr. Burt	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Cargill	Mr. Graham	Mr. Morell	Mr. J. Van Beuren
Mr. Carley	Mr. Graves	Mr Myers	Mr. P. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Chandler	Mr. Hascall	Mr. Norton	Mr. Van Wyck
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Dana	Mr. Hedges	Mr. Phoenix	Mr. Waugh
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. White
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Willey
Mr. Dean	Mr. Hubbell	Mr. Savage	Mr. Williams
Mr. Defreest	Mr. Hynds	Mr. Scott	Mr. Williamson
Mr. Dickson	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Dygert			93

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{NAYS 98}
{AYES 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jenkins	Mr. H. D. Smith
Mr. Allison	Mr. Dickson	Mr. Johnson	Mr. L. Smith
Mr. Armstrong	Mr. Dygert	Mr. Keith	Mr. T. L. Smith
Mr. Arnold	Mr. Edgerton	Mr. Lindsley	Mr. Soper
Mr. Bailey	Mr. Efner	Mr. C. L. Livingston	Mr. Speaker
Mr. C. Baker	Mr. Falley	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. Fillmore	Mr. M'Crea	Mr. Stanton
Mr. Baragar	Mr. Fitch	Mr. J. M'Donald	Mr. Starr
Mr. Barnet	Mr. Fleming	Mr. W. M'Donald	Mr. Tabor
Mr. Bostwick	Mr. Fowler	Mr. M'Niel	Mr. Tailor
Mr. Boynton	Mr. P. C. Fuller	Mr. Mixer	Mr. Teller
Mr. Bradish	Mr. W. K. Fuller	Mr. Morell	Mr. Titus
Mr. Brinkerhoff	Mr. Garbutt	Mr. Myers	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Noble	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Norton	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. Gosman	Mr. Partridge	Mr. Waugh
Mr. Case	Mr. Graham	Mr. Randall	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Redfield	Mr. White
Mr. Collier	Mr. Hascall	Mr. Savage	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Scott	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Seeley	Mr. Williamson
Mr. Davenport	Mr. Heermans	Mr. Sill	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Skinner	Mr. Young
Mr. Dean	Mr. Hynds		98

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island canal company,' passed April 15th, 1828," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled "An act to incorporate the Long Island canal company,' passed April 15th, 1828," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Lindsley	Mr. T. L. Smith
Mr. Allison	Mr. Dygert	Mr. C. L. Livingston	Mr. Soper
Mr. Armstrong	Mr. Efner	Mr. Mallory	Mr. Speaker
Mr. Austin	Mr. Eldridge	Mr. M'Crea	Mr. Spier
Mr. Bailey	Mr. Fleming	Mr. J. M'Donold	Mr. Stanton
Mr. C. Baker	Mr. Fowler	Mr. W. M'Donald	Mr. Starr
Mr. E. Baker	Mr. Franklin	Mr. M'Niel	Mr. Tabor
Mr. Baragar	Mr. W. K. Fuller	Mr. Mixer	Mr. Tailor
Mr. Barnett	Mr. Garbutt	Mr. Morell	Mr. Teller
Mr. Bostwick	Mr. Gardner	Mr. Noble	Mr. Titus
Mr. Boynton	Mr. Garnsey	Mr. Norton	Mr. Tower
Mr. Bradish	Mr. Goodman	Mr. Partridge	Mr. J. Van Beuren
Mr. Brown	Mr. Gosman	Mr. Randall	Mr. P. Van Beuren
Mr. Burt	Mr. Graves	Mr. Redfield	Mr. Vanderbilt
Mr. Cargill	Mr. W. Hall	Mr. Sanford	Mr. Van Wyck
Mr. Carley	Mr. Hammond	Mr. Savage	Mr. Waring

Mr. Carrier	Mr. Hazeltine	Mr. Seeley	Mr. Waugh
Mr. Chandler	Mr. Hedges	Mr. Sheppard	Mr. Wheeler
Mr. Collier	Mr. Heermans	Mr. Sill	Mr. White
Mr. Curtiss	Mr. Hynds	Mr. Skinner	Mr. Willey
Mr. Dana	Mr. Ives	Mr. Sloughter	Mr. Williams
Mr. Davenport	Mr. Jenkins	Mr. A. Smith	Mr. Williamson
Mr. Dayton	Mr. Johnson	Mr. H. D. Smith	Mr. Wyckoff
Mr. Dean	Mr. Jones	Mr. L. Smith	Mr. Young
Mr. Defreest			97

Those who voted in the negative are—

Mr. Edgerton 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 98}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jones	Mr. T. L. Smith
Mr. Allison	Mr. Edgerton	Mr. Judd	Mr. Soper
Mr. Armstrong	Mr. Efner	Mr. Keith	Mr. Speaker
Mr. Arnold	Mr. Falley	Mr. C. L. Livingston	Mr. Spier
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. Stanton
Mr. C. Baker	Mr. Fitch	Mr. Mandeville	Mr. Starr
Mr. E. Baker	Mr. Fleming	Mr. J. M'Donald	Mr. Taber
Mr. Baragar	Mr. Fowler	Mr. M'Niel	Mr. Tailor
Mr. Barnet	Mr. Franklin	Mr. Mixer	Mr. Teller
Mr. Bostwick	Mr. P. C. Fuller	Mr. Morell	Mr. Titus
Mr. Boynton	Mr. W. K. Fuller	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Gardner	Mr. Norton	Mr. P. Van Beuren
Mr. Brown	Mr. Garnsey	Mr. Paige	Mr. Vanderbilt
Mr. Burt	Mr. Goodman	Mr. Randall	Mr. Van Wyck
Mr. Cargill	Mr. Gosman	Mr. Redfield	Mr. Waring
Mr. Carley	Mr. Graham	Mr. Scott	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Seeley	Mr. Wheeler
Mr. Collier	Mr. Hazeltine	Mr. Sheppard	Mr. White
Mr. Curtiss	Mr. Hedges	Mr. Sill	Mr. Willey
Mr. Dana	Mr. Heermans	Mr. Skinner	Mr. Williams
Mr. Davenport	Mr. Hubbell	Mr. Sloughter	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. H. D. Smith	Mr. Wyckoff
Mr. Dean	Mr. Jenkins	Mr. L. Smith	Mr. Young
Mr. Defreest	Mr. Johnson		98

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Harlaem river canal company,'" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Harlaem river canal company,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 97
NAYS 01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Hynds	Mr. L. Smith
Mr. Allison	Mr. Dickson	Mr. Judd	Mr. T. L. Smith
Mr. Armstrong	Mr. Dygert	Mr. Lindsley	Mr. Soper
Mr. Austin	Mr. Efner	Mr. C. L. Livingston	Mr. Speaker
Mr. Bailey	Mr. Falley	Mr. Mandeville	Mr. Spier
Mr. C. Baker	Mr. Fillmore	Mr. M'Crea	Mr. Stanton
Mr. E. Baker	Mr. Fitch	Mr. J. M'Donald	Mr. Starr
Mr. Baragar	Mr. Fleming	Mr. W. M'Donald	Mr. Tabor
Mr. Barnett	Mr. Fowler	Mr. M'Niel	Mr. Tailor
Mr. Bogert	Mr. Franklin	Mr. Mixer	Mr. Teller
Mr. Bostwick	Mr. W. K. Fuller	Mr. Morell	Mr. Titus
Mr. Boynton	Mr. Garbutt	Mr. Noble	Mr. Tower
Mr. Bradish	Mr. Gardner	Mr. Norton	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Garnsey	Mr. Paige	Mr. P. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Partridge	Mr. Vanderbilt
Mr. Burt	Mr. Gosman	Mr. Randall	Mr. Waring
Mr. Cargill	Mr. Graham	Mr. Sanford	Mr. Waugh
Mr. Carley	Mr. Graves	Mr. Scott	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Seeley	Mr. White
Mr. Collier	Mr. Hascall	Mr. Sheppard	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Sill	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Skinner	Mr. Williamson
Mr. Davenport	Mr Heermans	Mr. Sloughter	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. H. D. Smith	Mr. Young
Mr. Dean			97

Those who voted in the negative are—

Mr. Edgerton 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oyster-bay in the county of Queens;" the engrossed bill entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport, in the county of Cayuga;" and the engrossed bill entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oyster-bay in the county of Queens," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport, in the county of Cayuga," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Owasco and Erie canal company;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Oneida;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank in the city of Troy;" and the engrossed bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany," and that the said bills are correctly engrossed.

The said bills were severally read the third time, and ordered to be laid upon the table.

The engrossed bill from the Senate, entitled "An act authorising special elections for justices of the peace in certain towns in the county of Onondaga," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act authorising Alanson F. Lyon to erect a dam across the Tioga river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to change the name and style of the First Welsh Methodist society of the town of Steuben," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Heermans	Mr. Sheppard
Mr. Arnold	Mr. Dean	Mr. Hubbell	Mr. Skinner
Mr. Austin	Mr. Defreest	Mr. Hynds	Mr. Sloughter
Mr. Bailey	Mr. Dickson	Mr. Ives	Mr. H. D. Smith
Mr. C. Baker	Mr. Dygert	Mr Jenkins	Mr. L. Smith
Mr. E. Baker	Mr. Edgerton	Mr. Johnson	Mr. T. L. Smith
Mr. Baragar	Mr. Efner	Mr. Jones	Mr. Soper
Mr. Barnett	Mr. Eldridge	Mr. Keith	Mr. Speaker
Mr. Bogert	Mr. Falley	Mr. Lindsley	Mr. Spier
Mr. Bostwick	Mr. Fillmore	Mr. C. L. Livingston	Mr. Stanton
Mr. Boynton	Mr. Fowler	Mr. Mandeville	Mr. Starr
Mr. Bradish	Mr. Franklin	Mr. Mann	Mr. Tailor
Mr. Brinkerhoff	Mr. P. C. Fuller	Mr. M'Crea	Mr. Teller
Mr. Brown	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tower
Mr. Burt	Mr. Gardner	Mr. M'Niel	Mr. J. Van Beuren
Mr. Cargill	Mr. Garnsey	Mr. Mixer	Mr. P. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Morell	Mr. Vanderbilt
Mr. Carrier	Mr. Gosman	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. Graham	Mr. Norton	Mr. Waugh

Mr. Chandler	Mr. Graves	Mr. Partridge	Mr. White	
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Willey	
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Williams	
Mr. Dana	Mr. Hazeltine	Mr. Savage	Mr. Williamson	
Mr. Davenport	Mr. Hedges	Mr. Scott	Mr. Young	96

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of purchasers on the Selkirk tract in the county of Oswego," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

NAYS 101
AYES 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jenkins	Mr. Scott
Mr. Armstrong	Mr. Edgerton	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. Efner	Mr. Jones	Mr. Sheppard
Mr. Austin	Mr. Eldridge	Mr. Judd	Mr. Sill
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. C. Baker	Mr. Fillmore	Mr. Mallory	Mr. Sloughter
Mr. Baragar	Mr. Fowler	Mr. Mandeville	Mr. H. D. Smith
Mr. Barnet	Mr. P. C. Fuller	Mr. Mann	Mr. L. Smith
Mr. Bogert	Mr. W. K Fuller	Mr. Mathews	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Speaker
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Spier
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Gosman	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. Myers	Mr. J. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Collier	Mr. Hedges	Mr. Phoenix	Mr. White
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Hubbell	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Hynds	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Savage	Mr. Young
Mr. Defreest			101

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object," and the bill entitled "An act for the relief of Basil Nadeau, a Canadian refugee," in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object," was referred to a select committee, consisting of Mr. Johnson, Mr. Sanford and Mr. Carrier; and the bill entitled "An act for the relief of Basil Nadeau, a Canadian refugee," was referred to a select commit-

tee, consisting of Mr. Edgerton, Mr. Mann and Mr. Hynds, severally to consider and report thereon.

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act to establish a high school at Newburgh," and the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango," with the amendments severally therewith delivered.

Ordered, That the said bills and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to divide the town of Gerry in the county of Chautauque," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in.

Thereupon,

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Ten several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Port Byron and Auburn rail-road company;" the bill entitled "An act to incorporate the Rome and New-London turnpike company;" the bill entitled "An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 7th, 1807;" the bill entitled "An act repealing the act incorporating the St. Lawrence turnpike road company;" the bill entitled "An act to authorise the appointment of inspectors of wood and timber in the counties of Montgomery, Saratoga, Albany and Greene;" the bill entitled "An act to incorporate the trustees of the Stamford library association in the county of Delaware;" the bill entitled "An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek, in the town of Murray in said county;" the bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to raise money by a tax;" the bill entitled "An act for the relief of Hampstead in the county of Rockland;" and the bill entitled "An act to incorporate the Albany horticultural society," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until seven o'clock this afternoon.

7 O'CLOCK P. M.

The House met pursuant to adjournment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

SATURDAY, APRIL 18, 1829.

The House met pursuant to adjournment.

The petition of Ephraim Chapin, Anthony Snyder and others, praying for the passage of an act authorising the building of a wing dam across the south branch of the Seneca river at Waterloo," was read, and referred to the committee on canals and internal improvements.

The petition of Proteus Hooper and others, praying for the passage of an act authorising the said Hooper to use the surplus water at Chamberlain's mill dam on the Seneca river, in the town of Seneca Falls, was read, and referred to the committee on canals and internal improvements.

Mr. Dayton, from the committee on the incorporation and alteration of the charters of banking and insurance companies, to which was referred the memorial of sundry inhabitants of the seventh, tenth and thirteenth wards of the city of New-York, praying for the incorporation of a bank, to be located in the seventh ward, by the name and style of "The Seventh Ward Bank," asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Dayton, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole, when on the several bills for the incorporation of new banks, and the renewal of bank charters.

Ordered, That the usual number of copies of the same be printed for the use of the legislature.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act for the relief of Bridget Usher and others;" the bill entitled "An act to amend section fifteenth of title first, chapter twenty of the first part of the revised statutes;" the bill entitled "An act to incorporate the Chautauque steam-boat company;" the bill entitled "An act for the relief of Jonathan Wheat;" the bill entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo, in the county of Cattaraugus;" the bill entitled "An act to incorporate the Naples turnpike road company;" the bill entitled "An act relative to the bridge across the outlet of Long lake in the county of Saratoga;" the bill entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus;" and the engrossed bill from the Senate, entitled "An act relative to the city of Troy."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act for the relief of Bridget Usher and others," be referred to a select committee, consisting of Mr. Mallory, Mr. Mandeville and Mr. Wheeler; that the bill entitled "An act to amend section fifteenth of title first, chapter twenty of the first part of the revised statutes," be referred to a select committee, consisting of Mr. Hubbell, Mr. Allison and Mr. Johnson; that the bill entitled "An act to incorporate the Chautauque steam-boat company," be referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Fillmore; that the bill entitled "An act for the relief of Jonathan Wheat," be referred to a select committee, consisting of Mr. Falley, Mr. Mann and Mr. Gosman; that the bill entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo, in the county of Cattaraugus," be referred to a select committee, consisting of Mr. Partridge, Mr. Hazeltine and Mr. Skinner; that the bill entitled "An act

to incorporate the Naples turnpike road company," be referred to a select committee, consisting of Mr. Dickson, Mr. Hubbell and Mr. Burt; that the bill entitled "An act relative to the bridge across the outlet of Long lake in the county of Saratoga," be referred to a select committee, consisting of Mr. Wheeler, Mr. Mandeville and Mr. W. McDonald; that the bill entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus," be referred to a select committee, consisting of Mr. Skinner, Mr. Partridge and Mr. Garnsey; and that the engrossed bill from the Senate, entitled "An act relative to the city of Troy," be referred to a select committee, consisting of Mr. , Mr. , and Mr. , severally to consider and report thereon.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to divide the town of Clymer in the county of Chautauque," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Spier, from the select committee to which was committed the bill entitled "An act for the relief of John Gifford," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Myers, from the select committee to which was committed the bill entitled "An act for the relief of the widow and heirs of the late Captain Isaiah Wool," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Fillmore, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Burt, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Niagara water-works company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Edgerton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to amend an act appointing commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb in the county of Essex, passed April 21st, 1828," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. T. L. Smith, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of William C. Housman and James A. Housman," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he

was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. J. M'Donald, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the state library," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Franklin, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the village of Bainbridge in the county of Chenango," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Mann, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Jemima Burk," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Mallory, from the select committee to which was committed the bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mallory, from the select committee to which was committed the bill entitled "An act to incorporate the Peusten-kill turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Savage, from the select committee to which was committed the bill entitled "An act to amend the revised statutes, so far as they relate to the standard of measures of capacity," reported, that the committee had gone through the said bill, made amendments thereto, and altered the title to "An act concerning standard measures of capacity," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Edgerton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Basil Nadeau, a Canadian refugee," reported, that they have examined the said bill, and see no reason why the same should not be passed into a a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Bradish, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendment ordered to be engrossed, and the bill ordered a third reading.

Ordered, That the select committee to which was referred the petition of M. R. Bartlett, praying for the appointment of a committee of the Senate and Assembly to examine his "Common School Manuel," be discharged from the further consideration of the said petition, and that it be referred to a select committee, consisting of Mr. P. Van Beuren, Mr. Fleming and Mr. Dean.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act requiring the publication of notices in certain cases;" and that the said bill be referred to a select committee, consisting of Mr. Burt, Mr. P. C. Fuller and Mr. Chandler, to report the same complete.

Ordered, That Mr. Nicholas have leave of absence for the remainder of the session.

Mr. Norton gave notice that he would, on Wednesday next, move a call of the house.

On motion of Mr. Norton,

Resolved, That the clerk of this house be directed to address letters to members of this house, now absent without leave, or whose term of absence has expired, to return without delay.

Ordered, That the engrossed bill from the Senate, entitled "An act to incorporate the Owasco and Erie canal company," be referred to a select committee, consisting of Mr. Hubbell, Mr. Tower and Mr. Brinkerhoff, to consider and report thereon.

The house then proceeded to the consideration of the amendment of the Senate to the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess;" the said bill and amendment were read, and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 98}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Edgerton	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. H. D. Smith
Mr. Arnold	Mr. Eldridge	Mr. Keith	Mr. T. L. Smith
Mr. Bailey	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mandeville	Mr. Starr
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Bogert	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Cargill	Mr. Graham	Mr Myers	Mr. P. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Waring
Mr. Case	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Collier	Mr. Hedges	Mr. Phoenix	Mr. White
Mr. Curtiss	Mr. Heermans	Mr. Redfield	Mr. Willey
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Hubbell	Mr Scott	Mr. Williamson
Mr. Defreest	Mr. Hynds	Mr. Seeley	Mr. Young
Mr. Dickson	Mr. Ives		98

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango;" the said bill and amendments were read, and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 102
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Judd	Mr. H. D. Smith
Mr. Allison	Mr. Edgerton	Mr. Lindsley	Mr. L. Smith
Mr. Armstrong	Mr. Eldridge	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. Arnold	Mr. Falley	Mr. Mallory	Mr. Soper
Mr. Austin	Mr. Fitch	Mr. Mandeville	Mr. Speaker
Mr. Bailey	Mr. Fowler	Mr. Mann	Mr. Spier
Mr. C. Baker	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. E. Baker	Mr. P. C. Fuller	Mr. M'Crea	Mr. Starr
Mr. Baragar	Mr. Garbutt	Mr. J. M'Donald	Mr. Taber
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Garnsey	Mr. Morell	Mr. Teller
Mr. Boynton	Mr. Goodman	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. Noble	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. Graves	Mr. Paige	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Partridge	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Waring
Mr. Chandler	Mr. Hascall	Mr. Randall	Mr. Waugh
Mr. Collier	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hedges	Mr. Savage	Mr. White
Mr. Dana	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Davenport	Mr. Hubbell	Mr. Seeley	Mr. Williams
Mr. Dayton	Mr. Ives	Mr. Sheppard	Mr. Williamson
Mr. Dean	Mr. Jenkins	Mr. Sill	Mr. Wyckoff
Mr. Defreest	Mr. Johnson	Mr. Skinner	Mr. Young
Mr. Dickson	Mr. Jones		102

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A copy of a resolution of the Senate, delivered by their clerk, was read, in in the words following, to wit:

Resolved, (if the Assembly concur,) That so much of the report presented the 14th January last, by the commissioners for building a new state prison, as relates to the location of a prison for females, be referred back to said commissioners, with instructions to ascertain upon what terms a site can be obtained, and a proper establishment erected, in the vicinity of some one of the populous villages or cities of this state, which shall combine suitable employment with moral instruction, and the superintending care of benevolent females; and that said commissioners report the result of their inquiries to tho next legislature.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

Nineteen several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act authorising Benjamin Tucker to change his name to Benjamin Franklin;" the bill entitled "An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer;" the bill entitled "An act to incorporate the Smithsboro' and Nichols bridge company;" the bill entitled "An act authorising James E. Jones to erect a dam across the Canisteo river;" the bill entitled "An act authorising the erection of two poorhouses in the county of Tioga;" the bill entitled "An act to improve the navigation of the Cattetunk creek;" the bill entitled "An act authorising the commandant of the thirteenth regiment of artillery, to constitute and appoint a regimental court-martial for certain purposes;" the bill entitled "An act to incorporate the Schenectady African school society;" the bill entitled "An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady;" the bill entitled "An act to authorise the overseers of the poor of the town of Queensbury, in the county of Warren, to sell a certain lot of land;" the bill entitled "An act authorising the town of Fort-Edward to dispose of certain public monies;" the bill entitled "An act to authorise the commissioners of highways of the town of Otego, to alter a road;" the bill entitled "An act to incorporate the Troy water works company;" the bill entitled "An act to alter the name of the First congregational church and society of the town of Worcester in the county of Otsego;" the bill entitled "An act authorising the supervisors of the county of Ontario to raise a sum of money for the purpose of repairing the jail of said county;" the bill entitled "An act to incorporate the Saratoga county turnpike company;" the bill entitled "An act authorising George D. Coles to erect a dock in the town of Oyster-bay;" the bill entitled "An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca,'" severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act to incorporate the Union society of the city of New-York."

The Senate returned by their clerk, the bill entitled "An act to divide the town of Gerry in the county of Chautauque;" the bill entitled "An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor;" and the bill entitled "An act transferring the records of the court of probates to the office of the register in chancery."

Ordered, That the clerk deliver the said bills to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of the New-York Protestant Episcopal public school," and the bill entitled "An act concerning the towing-path bridge across the Mohawk river;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of the New-York Protestant Episcopal public school," was referred to a select committee, consisting of Mr. Arnold, Mr. Cargill and Mr. Al Burtis; and the bill entitled "An act concerning the towing-path bridge across the Mohawk river," was referred to a select committee, consisting of Mr. Johnson, Mr. Mann and Mr. Norton, severally to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act extending the lines of certain lots in the south village of Black-Rock;" one of the amendments being to strike out of the title the word "south."

The said bill and amendments were read; and the amendments having been again read, were severally concurred in by the house, and the bill amended accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to divide the town of Ontario in the county of Wayne," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish part of their road," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	08

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Mann	Mr. T. L. Smith
Mr. Allison	Mr. Dygert	Mr. M'Crea	Mr. Soper
Mr. Armstrong	Mr. Eldridge	Mr. J. M'Donald	Mr. Spier
Mr. Arnold	Mr. Falley	Mr. W. M'Donald	Mr. Stanton
Mr. Austin	Mr. Fleming	Mr. M'Niel	Mr. Tabor
Mr. C. Baker	Mr. Fowler	Mr. Morell	Mr. Tailor
Mr. E. Baker	Mr. Franklin	Mr. Myers	Mr. Teller
Mr. Baragar	Mr. P. C. Fuller	Mr. Noble	Mr. Titus
Mr. Bogert	Mr. W. K. Fuller	Mr. Norton	Mr. Tower
Mr. Bostwick	Mr. Garbutt	Mr. Paige	Mr. J. Van Beuren
Mr. Boynton	Mr. Gardner	Mr. Partridge	Mr. P. Van Beuren
Mr. Bradish	Mr. Gosman	Mr. Phoenix	Mr. Vanderbilt
Mr. Burt	Mr. Graham	Mr. Randall	Mr. Van Wyck
Mr. Cargill	Mr. W. Hall	Mr. Redfield	Mr. Waring
Mr. Carley	Mr. Hazeltine	Mr. Sanford	Mr. Waugh
Mr. Carrier	Mr. Hubbell	Mr. Savage	Mr. Wheeler
Mr. Case	Mr. Ives	Mr. Scott	Mr. White
Mr. Chandler	Mr. Johnson	Mr. Seeley	Mr. Willey
Mr. Collier	Mr. Jones	Mr. Sill	Mr. Williams
Mr. Curtiss	Mr. Judd	Mr. Skinner	Mr. Williamson
Mr. Dana	Mr. Lindsley	Mr. H. D. Smith	Mr. Wyckoff
Mr. Dayton	Mr. C. L. Livingston	Mr. L. Smith	Mr. Young
Mr. Dean	Mr. Mallory		90

Those who voted in the negative are—

Mr. Bailey	Mr. Edgerton	Mr. Goodman	Mr. Mixer
Mr. Dickson	Mr. Fitch	Mr. Hascall	Mr. Speaker 8

Ordered, That the clerk deliver the said several bills and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same severally accordingly.

The engrossed bill entitled "An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 107
NAYS 05

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Fitch	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. E. Baker	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Barnett	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donold	Mr. Tailor
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. J. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hedges	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Heermans	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Jenkins	Mr. Seeley	107

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus
Mr. Dickson			5

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Geneva," was read third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 107
NAYS 04

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr Jenkins	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Johnson	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Jones	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith
Mr. Austin	Mr. Fitch	Mr. Keith	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Lindsley	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Spier

Mr. E. Baker	Mr. Franklin	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Starr
Mr. Barnett	Mr. W. K. Fuller	Mr. Mathews	Mr. Tabor
Mr Bogert	Mr. Garbutt	Mr. M'Crea	Mr. Tailor
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. J. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr Graves	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Hynds	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Ives	Mr. Seeley	107

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus 4

The engrossed bill entitled "An act to incorporate the president, directors and company of the Lockport Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{NAYS 95
AYES 14}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hynds	Mr. Sanford
Mr. Armstrong	Mr. Dygert	Mr. Ives	Mr. Savage
Mr. Arnold	Mr. Efner	Mr. Johnson	Mr. Scott
Mr. Austin	Mr. Eldridge	Mr. Jones	Mr. Seeley
Mr. Bailey	Mr. Falley	Mr. Judd	Mr. Sheppard
Mr. C. Baker	Mr. Fillmore	Mr. Keith	Mr. Sill
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. Skinner
Mr. Baragar	Mr. Fleming	Mr. Mallory	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. W. K Fuller	Mr. Mathews	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Tabor
Mr. Brinkerhoff	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Burt	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Carley	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Carrier	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Case	Mr. Graves	Mr. Myers	Mr. P. Van Beuren
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Norton	Mr. White
Mr. Curtiss	Mr. Hascall	Mr. Paige	Mr. Willey
Mr. Dana	Mr. Hazeltine	Mr. Partridge	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Randall	Mr. Young
Mr. Dean	Mr. Hubbell	Mr. Redfield	95

Those who voted in the negative are—

Mr. Allison	Mr. Hedges	Mr. Soper	Mr. Vanderbilt
Mr. Cargill	Mr. Jenkins	Mr. Speaker	Mr. Waugh
Mr. Edgerton	Mr. C. L. Livingston	Mr. Titus	Mr. Williamson
Mr. Fowler	Mr. T. L. Smith		14

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Ithaca," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 105
NAYS 10

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Johnson	Mr. Seeley
Mr. Armstrong	Mr. Fillmore	Mr. Jones	Mr. Sheppard
Mr. Arnold	Mr. Fitch	Mr. Judd	Mr. Sill
Mr. Austin	Mr Fleming	Mr. Keith	Mr. Skinner
Mr. Bailey	Mr. Fowler	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. W. K. Fuller	Mr. Mann	Mr. Spier
Mr. Barnet	Mr. Garbutt	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Tabor
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Teller
Mr. Burt	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Carley	Mr. Graves	Mr. Morell	Mr. J. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr Myers	Mr. P. Van Beuren
Mr. Case	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Chandler	Mr. Hascall	Mr. Norton	Mr. Waring
Mr. Collier	Mr. Hazeltine	Mr. Paige	Mr. Waugh
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Wheeler
Mr. Dana	Mr. Heermans	Mr. Phoenix	Mr. White
Mr. Davenport	Mr. Hubbard	Mr. Randall	Mr. Willey
Mr. Dayton	Mr. Hubbell	Mr. Redfield	Mr. Williams
Mr. Dean	Mr. Hynds	Mr. Sanford	Mr. Williamson
Mr. Defreest	Mr. Ives	Mr. Savage	Mr. Wyckoff
Mr. Dygert	Mr. Jenkins	Mr. Scott	Mr. Young
Mr. Efner			105

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. T. L. Smith	Mr. Titus
Mr. Cargill	Mr. Eldridge	Mr. Speaker	Mr. Vanderbilt
Mr. Dickson	Mr. C. L. Livingston		10

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings;" the engrossed bill entitled "An act to alter the law in relation to courts of general sessions in the county of Montgomery;" the engrossed bill entitled "An act for the appointment of commissioners to perform certain duties of a justice of the

supreme court in the county of Seneca, and in the eastern jury district of the county of Tioga, and for other purposes;" the engrossed bill entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany;" the engrossed bill entitled "An act to authorise the board of supervisors of the county of Genesee, in their discretion, to raise certain monies for the purpose of building roads and bridges;" and the engrossed bill entitled "An act for the relief of Bradford Howland;" and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to alter the law in relation to courts of general sessions in the county of Montgomery," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the appointment of commissioners to perform certain duties of a justice of the supreme court in the county of Seneca and in the eastern jury district of the county of Tioga, and for other purposes," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to authorise the board of supervisors of the county of Genesee in their discretion to raise certain monies for the purpose of building roads and bridges," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of Bradford Howland," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence to the same.

The said engrossed bill, entitled "An act to erect a new town from parts of the towns of Allen and Almond, in the county of Allegany," was read the third time.

The said engrossed bill being amended,

Ordered, That the same be re-engrossed.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Mallory	Mr. L. Smith
Mr. Allison	Mr. Eldridge	Mr. Mandeville	Mr. T. L. Smith
Mr. Armstrong	Mr. Falley	Mr. Mathews	Mr. Soper
Mr. Austin	Mr. Fitch	Mr. M'Crea	Mr. Speaker
Mr. Bailey	Mr. Fleming	Mr. J. M'Donald	Mr. Spier
Mr. C. Baker	Mr. Fowler	Mr. M'Niel	Mr. Stanton
Mr. E. Baker	Mr. Franklin	Mr. Mixer	Mr. Taber
Mr. Baragar	Mr. P. C. Fuller	Mr. Morell	Mr. Tailor
Mr. Bogert	Mr. W. K. Fuller	Mr. Myers	Mr. Teller
Mr. Bostwick	Mr. Garbutt	Mr. Noble	Mr. Titus
Mr. Boynton	Mr. Gardner	Mr. Norton	Mr. Tower
Mr. Bradish	Mr. Garnsey	Mr. Paige	Mr. J. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Partridge	Mr. P. Van Beuren
Mr. Cargill	Mr. Graham	Mr. Phoenix	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Randall	Mr. Van Wyck
Mr. Carrier	Mr. Hammond	Mr. Redfield	Mr. Waring
Mr. Case	Mr. Hazeltine	Mr. Sanford	Mr. Waugh
Mr. Chandler	Mr. Hubbell	Mr. Savage	Mr. Wheeler
Mr. Collier	Mr. Ives	Mr. Scott	Mr. White
Mr. Curtiss	Mr. Jenkins	Mr. Seeley	Mr. Willey
Mr. Dana	Mr. Johnson	Mr. Sheppard	Mr. Williams
Mr. Dayton	Mr. Judd	Mr. Sill	Mr. Williamson
Mr. Defreest	Mr. Lindsley	Mr. Skinner	Mr. Wyckoff
Mr. Dickson	Mr. C. L. Livingston	Mr. H. D. Smith	Mr. Young
Mr. Dygert			

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Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Waterville volunteer fire company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Waterville volunteer fire company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES 81
NAYS 08

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Jenkins	Mr. H. D. Smith
Mr. Armstrong	Mr. Fitch	Mr. Johnson	Mr. L. Smith
Mr. Arnold	Mr. Fleming	Mr. Jones	Mr. Soper
Mr. Bailey	Mr. Fowler	Mr. Lindsley	Mr. Spier
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. Stanton
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Tabor
Mr. Baragar	Mr. W. K. Fuller	Mr. Mann	Mr. Tailor
Mr. Bostwick	Mr. Garbutt	Mr. Mathews	Mr. Teller
Mr. Boynton	Mr. Gardner	Mr. M'Crea	Mr. Tower
Mr. Bradish	Mr. Garnsey	Mr. J. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Goodman	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carrier	Mr. Gosman	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. Graham	Mr. Myers	Mr. Van Wyck
Mr. Chandler	Mr. Graves	Mr. Paige	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr Defreest	Mr. Ives	Mr. Skinner	Mr. Young
Mr. Dygert			

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Those who voted in the negative are—

Mr. Bogert	Mr. Edgerton	Mr. C. L. Livingston	Mr. Speaker	
Mr. Dickson	Mr. Hascall	Mr. Norton	Mr. Waring	8

Thereupon,

Mr. C. L. Livingston offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the engrossed bill entitled "An act to incorporate the Waterville volunteer fire company."

Ordered, That the said resolution be laid upon the table.

The engrossed bill from the Senate, entitled "An act authorising an additional amount of money be raised by tax for roads and bridges in the town of Florida," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act concerning the state library," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to appoint commissioners to lay out and open a road from Cedar Point, westward, through the towns of Moriah and Newcomb in the county of Essex,' passed April 21st, 1828," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same without amendment.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders of the village of Whitesboro', and for other purposes,' passed March 26th, 1813," with the amendment therewith delivered.

Ordered, That the said bill and amendment be laid upon the table.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act repealing the act incorporating the St. Lawrence turnpike road company, passed April 2d, 1810."

"An act authorising the board of supervisors of the county of Orleans to raise money to build a bridge across Sandy creek, in the town of Murray in said county."

"An act to authorise the appointment of inspectors of wood and timber in the counties of Montgomery, Saratoga, Albany and Greene."

"An act to incorporate the trustees of the Stamford library association in the county of Delaware."

E. T. THROOP.

Albany, *April* 17, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to enable the mayor, aldermen and commonalty of the city of New-York to raise money by a tax."

"An act for the relief of the town of Hampstead in the county of Rockland."

"An act to incorporate the Albany horticultural society.".

E. T. THROOP.

Albany, April 17, 1829.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to incorporate the Rome and New-London turnpike company."

"An act to revive an act entitled 'An act to incorporate the Orphan asylum society in the city of New-York,' passed April 7th, 1807."

"An act to incorporate the Port Byron and Auburn rail-road company."

E. T. THROOP.

Albany, April 17, 1829.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bradish, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, APRIL 20, 1829.

The House met pursuant to adjournment.

The memorial of John Townsend and others, in favor of the prayer of the petition of Joseph Lancaster for pecuniary aid, and setting forth the benefits and advantages of his system of education, was read, and committed to a committee of the whole when on the bill entitled "An act for the relief of Joseph Lancaster."

The petition of P. W. Engs, Samuel Whittemore and others, praying for the passage of an act to incorporate the Guaranty company, was read, and referred to a select committee, consisting of Mr. Al Burtis, Mr. Myers and Mr. Curtiss.

Mr. Curtiss, from the committee on the incorporation of charitable and religious societies, to whom was referred the petition of the trustees of the Baptist and congregational society of the town of Eden and county of Erie, reported:

That the petitioners set forth in their petition, that the Holland land company has granted to each of the said societies, two several pieces of land, to be appropriated for the benefit of said societies, and that in its present state it is unproductive; and they therefore request the legislature to pass a law authorising the petitioners to sell the said lands. The committee, on examination, find that the existing statutes make ample provision for relief in such cases, which renders further legislation on this subject unnecessary. They would therefore offer the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to which was referred the petition of Frederick Stanley of the city of New-York, praying for the passage of a law to grant to him a certain lot of land in the village of Oswego, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act for the relief of Frederick Stanley;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the select committee to which was committed the bill entitled "An act to incorporate the Naples turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Partridge, from the select committee to which was committed the bill entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo in the county of Cattaraugus," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Jones, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Flushing steam-boat company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the towing-path bridge across the Mohawk river," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Eldridge, from the committee appointed to examine all bills committed to a committee of the whole house, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report complete, reported the following bills as proper for such reference, to wit:

The bill entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady;" the bill entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware;" the bill entitled "An act concerning trespasses on lands contracted to be sold by the state;" the bill entitled "An act relative to the imprisonment within the city and county of New-York, of female convicts adjudged to be confined in the state prison;" the bill entitled "An act making certain alterations in the map or plan of the city of New-York;" the bill entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York, to erect a public market, and to lay out and open a public street in the eleventh ward of the said city;" the bill entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates;" the bill entitled "An act for the relief of Thomas Staats junior," and the bill entitled "An act concerning the village of Lewiston in the county of Niagara."

Thereupon,

Ordered, That the committee of the whole be discharged from the further consideration of the said several bills, and that the bill entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," be referred to a select committee, consisting of Mr. Tower, Mr. White and Mr. Savage; that the bill entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware," be referred to a select committee, consisting of Mr. Redfield, Mr. Allison and Mr. Seely; that the bill entitled "An act concerning trespasses on lands contracted to be sold by the state," be referred to a select committee, consisting of Mr. Bradish, Mr. Edgerton and Mr. Mann; that the bill entitled "An act relative to the imprisonment within the city and county of New-York, of female convicts adjudged to be confined in the state prison," be referred to a select committee, consisting of Mr. W. K. Fuller, Mr. Bogert and Mr. Dayton; that the bill entitled "An act making certain alterations in the map or plan of the city of New-York," be referred to a select committee, consisting of Mr. T. L. Smith, Mr. Myers and Mr. Arnold; that the bill entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York to erect a public market, and to lay out and open a public street in the eleventh ward of the said city," be referred to a select committee, consisting of Mr. Cargill, Mr. Titus and Mr. Al Burtis; that the bill entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates," be referred to a select committee, consisting of Mr. Franklin, Mr. Dickson and Mr. Eldridge; that the bill entitled "An act for the relief of Thomas Staats junior," be referred to a select committee, consisting of Mr. Johnson, Mr. Tower and Mr. Burt; and that the bill entitled "An act concerning the village of Lewiston in the county of Niagara," be referred to a select committee, consisting of Mr. Burt, Mr. Garnsey and Mr. Fillmore, severally to consider and report thereon.

Mr. Skinner, from the select committee to which was committed the bill entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report

to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Falley, from the select committee to which was committed the bill entitled "An act for the relief of Jonathan Wheat," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Burt, from the select committee to which was committed the bill entitled "An act requiring the publication of notices in certain cases," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was committed the bill entitled "An act to amend section fifteenth of title first of chapter twentieth of the first part of the Revised Statutes," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was referred the engrossed bill entitled "An act to incorporate the Owasco and Erie canal company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Thereupon,

Ordered, That the bill be re-engrossed.

Mr. J. M'Donald, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Daniel Carswell," reported, that the committee had gone through the said bill, and recommend that it be ordered to a third reading.

Thereupon,

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. Wheeler, from the select committee to which was committed the bill entitled "An act relative to the bridge across the outlet of Long lake in the county of Saratoga," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the resolution offered by Mr. C. L. Livingston on Saturday last; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the engrossed bill entitled "An act to incorporate the Waterville volunteer fire company."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	06

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jones	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. T. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Barnett	Mr. Franklin	Mr. M'Crea	Mr. Tabor
Mr. Bogert	Mr. P. C. Fuller	Mr. J. M'Donold	Mr. Tailor
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Titus
Mr. Boynton	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Mixer	Mr. P. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. Gosman	Mr. Paige	Mr. Van Wyck
Mr. Carrier	Mr. Graham	Mr. Partridge	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Phoenix	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Hedges	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Hubbard	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Hubbell	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Hynds	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Dean	Mr. Johnson	Mr. Sill	Mr. Young 92

Those who voted in the negative are—

Mr. Dickson	Mr. Fillmore	Mr. Holdridge	Mr. Speaker
Mr. Edgerton	Mr. W. Hall		6

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to establish a high school at Newburgh;" the said bill and amendments were read, and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Skinner
Mr. Allison	Mr. Efner	Mr. Jones	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Judd	Mr. H. D. Smith
Mr. Arnold	Mr. Falley	Mr. Keith	Mr. Speaker
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. Spier
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Stanton
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Baragar	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Barnett	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Goodman	Mr. W. M'Donald	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. M'Niel	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. Mixer	Mr. P. Van Beuren
Mr. Carley	Mr. Graves	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Van Wyck
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. Waugh

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Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Hubbell	Mr. Sheppard	Mr. Wyckoff
Mr. Defreest	Mr. Hynds	Mr. Sill	Mr. Young
Mr. Dickson	Mr. Ives		90

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813;" the said bill and amendments were read, and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 95}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Judd	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Fowler	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. T. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mandeville	Mr. Speaker
Mr. Baragar	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Barnet	Mr. Garbutt	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Tabor
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Graham	Mr. Mixer	Mr. Titus
Mr. Cargill	Mr. Graves	Mr. Morell	Mr. Tower
Mr. Carley	Mr. J. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Chandler	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Collier	Mr. Hascall	Mr. Paige	Mr. Van Wyck
Mr. Curtiss	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Davenport	Mr. Hedges	Mr. Phoenix	Mr. Wheeler
Mr. Dean	Mr. Heermans	Mr. Randall	Mr. White
Mr. Defreest	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Dickson	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff
Mr. Dygert	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Edgerton	Mr. Ives	Mr. Seeley	95

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Mr. Myers offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the comptroller be requested to furnish to this house, a list of the stockholders of the Middle District Bank, with the number of shares held by each, the amount of stock notes held by the said bank, as contained in the last statement made by that institution.

Ordered, That the said resolution be laid upon the table.

Mr. Arnold, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the New-York Protestant Episcopal public school," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Eldridge, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace," reported, that they have gone through the said bill, and that a majority of the committee recommend that it be ordered to a third reading.

Thereupon,

Ordered, That the said bill be re-committed to a committee of the whole, and that it be the special order of the day for Monday next.

Ordered, That Mr. Bacon have leave of absence for six days, Mr. Jenkins for six days, and Mr. Teller for two days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county;" and that the said bill be referred to a select committee, consisting of Mr. Brinkerhoff, Mr. Soper and Mr. Dana, to report the same complete.

Mr. Hubbell offered for the consideration of the house, a resolution, in the words following, to wit :

Resolved, That hereafter this house will hold an afternoon session, commencing at four o'clock; and that the resolution requiring the holding of an evening session, is hereby rescinded.

Debates were had upon the said resolution of Mr. Hubbell; and the question being put whether the house would agree thereto, it was determined in the affirmative.

{AYES 61}
{NAYS 42}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Ives	Mr. Sill
Mr. Armstrong	Mr. Fillmore	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Fowler	Mr. Mathews	Mr. Sloughter
Mr. Austin	Mr. Franklin	Mr. M'Crea	Mr. H. D. Smith
Mr. E. Baker	Mr. Garbutt	Mr. J. M'Donald	Mr. L. Smith
Mr. Baragar	Mr. Garnsey	Mr. W. M'Donald	Mr. T. L. Smith
Mr. Bogert	Mr. Gosman	Mr. M'Niel	Mr. Speaker
Mr. Bostwick	Mr. Graham	Mr. Morell	Mr. Spier
Mr. Boynton	Mr. Graves	Mr. Noble	Mr. Starr
Mr. Brinkerhoff	Mr. J. Hall	Mr. Partridge	Mr. Tabor
Mr. Cargill	Mr. W. Hall	Mr. Randall	Mr. Tailor
Mr. Carley	Mr. Hammond	Mr. Redfield	Mr. Willey
Mr. Case	Mr. Hubbard	Mr. Sanford	Mr. Williamson
Mr. Collier	Mr. Hubbell	Mr. Savage	Mr. Wyckoff
Mr. Dana	Mr. Hynds	Mr. Seeley	Mr. Young
Mr. Dygert			61

Those who voted in the negative are—

Mr. Al Burtis	Mr. Falley	Mr. Judd	Mr. Titus
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. Tower
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mann	Mr. J. Van Beuren
Mr. Burt	Mr. W. K. Fuller	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. Gardner	Mr Myers	Mr. Vanderbilt

Mr. Chandler	Mr. Goodman	Mr. Norton	Mr. Van Wyck
Mr. Curtiss	Mr. Hascall	Mr. Paige	Mr. Waring
Mr. Dayton	Mr. Hazeltine	Mr. Phoenix	Mr. Waugh
Mr. Dickson	Mr. Holdridge	Mr. Scott	Mr. White
Mr. Edgerton	Mr. Johnson	Mr. Sheppard	Mr. Williams
Mr. Efner	Mr. Jones		42

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb in this state,' passed April 15th, 1825;" and that the said bill be committed to a select committee, consisting of Mr. Randall, Mr. Judd, Mr. Seely, Mr. Mann, Mr. Titus, Mr. Hubbard, Mr. Matthews and Mr. Hascall, to report the same complete.

Ordered, That the usual number of copies of the several bills reported by the committee on the incorporation and alteration of the charters of banking and insurance companies, relating to the subject of banks, and which have not been printed by order of this house, be printed for the use of the legislature.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the prevention of masquerades;" and that the said bill be committed to a select committee, consisting of Mr. Cargill, Mr. Arnold and Mr. Titus, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the support and extension of common schools in the city of New-York;" and that the said bill be committed to a select committee, consisting of Mr. Cargill, Mr. Arnold and Mr. Skinner, to report the same complete.

The engrossed bill entitled "An act to incorporate the Waterville volunteer fire company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	09

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Allison	Mr. Eldridge	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Falley	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mann	Mr. T. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. Mathews	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. M'Crea	Mr. Starr
Mr. Bogert	Mr. Franklin	Mr. J. M'Donald	Mr. Taber
Mr. Bostwick	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Niel	Mr. Titus
Mr. Brinkerhoff	Mr. Garbutt	Mr. Morell	Mr. Tower
Mr. Burt	Mr. Gardner	Mr. Myers	Mr. P. Van Beuren
Mr. Cargill	Mr. Garnsey	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. Goodman	Mr. Norton	Mr. Van Wyck
Mr. Carrier	Mr. Gosman	Mr. Paige	Mr. Waring
Mr. Case	Mr. Graham	Mr. Phoenix	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Randall	Mr. White
Mr. Collier	Mr. Hammond	Mr. Redfield	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Savage	Mr. Williams
Mr. Dana	Mr. Holdridge	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hynds	Mr. Seeley	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Johnson		90

Those who voted in the negative are—

Mr. Bailey	Mr. Hascall	Mr. Mixer	Mr. Sheppard
Mr. Dickson	Mr. Hazeltine	Mr. Sanford	Mr. Speaker
Mr. Edgerton			9

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Auburn," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 104
NAYS 06

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hynds	Mr. Savage
Mr. Allison	Mr. Falley	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Fillmore	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. Fitch	Mr. Jones	Mr. Sheppard
Mr. Austin	Mr. Fleming	Mr. Judd	Mr. Sill
Mr. Bailey	Mr. Fowler	Mr. Keith	Mr. Skinner
Mr. C. Baker	Mr. Franklin	Mr. Lindsley	Mr. Sloughter
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. H. D. Smith
Mr. Baragar	Mr. W. K. Fuller	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Garbutt	Mr. Mann	Mr. Starr
Mr. Bogert	Mr. Gardner	Mr. Mathews	Mr. Tabor
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Goodman	Mr. J. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Morell	Mr. Van Wyck
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Noble	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Norton	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr Defreest	Mr. Hubbell	Mr. Sanford	Mr. Young 104

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus
Mr. Dickson	Mr. T. L. Smith		

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Utica," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 101
NAYS 06

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Hynds	Mr. Savage
Mr. Allison	Mr. Fillmore	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Fitch	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Fleming	Mr. Jones	Mr. Sill
Mr. Austin	Mr. Fowler	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Franklin	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. P. C. Fuller	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mallory	Mr. L. Smith
Mr. Barnett	Mr. Garbutt	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. Gardner	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. Goodman	Mr. M'Crea	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. J. M'Donold	Mr. Tower
Mr. Burt	Mr. Graham	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Carley	Mr. Graves	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Mixer	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Waring
Mr. Chandler	Mr. Hammond	Mr. Noble	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Norton	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Dayton	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Sanford	Mr. Young
Mr. Dygert			

101

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus
Mr. Dickson	Mr. T. L. Smith		

6

The engrossed bill entitled "An act to extend for a limited period the charter of the New-York State Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 104}
{NAYS 05}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hubbell	Mr. Sanford
Mr. Allison	Mr. Dygert	Mr. Hynds	Mr. Savage
Mr. Armstrong	Mr. Falley	Mr. Ives	Mr. Scott
Mr. Arnold	Mr. Fillmore	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Fitch	Mr. Jones	Mr. Sheppard
Mr. Bailey	Mr. Fleming	Mr. Judd	Mr. Sill
Mr. C. Baker	Mr. Fowler	Mr. Keith	Mr. Skinner
Mr. E. Baker	Mr. Franklin	Mr. Lindsley	Mr. Sloughter
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. H. D. Smith
Mr. Barnett	Mr. W. K. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. Gardner	Mr. Mathews	Mr. Starr
Mr. Boynton	Mr. Garnsey	Mr. M'Crea	Mr. Tabor
Mr. Bradish	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. Tower

Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carley	Mr Graves	Mr. Mixer	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Morell	Mr. Van Wyck
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Norton	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Holdridge	Mr. Randall	Mr. Wyckoff
Mr. Dean	Mr. Hubbard	Mr. Redfield	Mr. Young 104

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus
Mr. Dickson			5

The engrossed bill entitled "An act to extend for a limited period the charter of the Farmers' Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 103}
{NAYS 05}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hynds	Mr. Savage
Mr. Allison	Mr. Falley	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Fillmore	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Fitch	Mr. Jones	Mr. Sheppard
Mr. Bailey	Mr. Fleming	Mr. Judd	Mr. Sill
Mr. C. Baker	Mr. Fowler	Mr. Keith	Mr. Skinner
Mr. E. Baker	Mr. Franklin	Mr. Lindsley	Mr. Sloughter
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. H. D. Smith
Mr. Barnet	Mr. W. K Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Bogert	Mr. Garbutt	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. Garnsey	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Goodman	Mr. J. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Morell	Mr. Waring
Mr. Case	Mr. W. Hall	Mr. Myers	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Norton	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Phoenix	Mr. Williamson
Mr. Dayton	Mr. Holdridge	Mr. Randall	Mr. Wyckoff
Mr. Dean	Mr. Hubbard	Mr. Redfield	Mr. Young
Mr. Defreest	Mr. Hubbell	Mr. Sanford	103

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Speaker	Mr. Titus
Mr. Dickson			5

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of William C. Housman and James A. Housman," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 93
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Hynds	Mr. Sheppard
Mr. Allison	Mr. Eldridge	Mr. Ives	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. Skinner
Mr. Arnold	Mr Fleming	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Fowler	Mr. Judd	Mr. L. Smith
Mr. Bailey	Mr. P. C. Fuller	Mr. Keith	Mr. Speaker
Mr. C. Baker	Mr. W. K. Fuller	Mr. Lindsley	Mr. Spier
Mr. Barnet	Mr. Garbutt	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. Mann	Mr. Starr
Mr. Boynton	Mr. Garnsey	Mr. M'Crea	Mr. Tabor
Mr. Bradish	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. Titus
Mr. Burt	Mr. Graham	Mr. M'Niel	Mr. Tower
Mr. Carley	Mr. Graves	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr Myers	Mr. Vanderbilt
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Dana	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler
Mr. Davenport	Mr. Hedges	Mr. Randall	Mr. White
Mr. Dayton	Mr. Heermans	Mr. Redfield	Mr. Willey
Mr. Dean	Mr. Holdridge	Mr. Savage	Mr. Williams
Mr. Defreest	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dickson	Mr. Hubbell	Mr. Seeley	Mr. Young
Mr. Dygert			93

The engrossed bill from the Senate, entitled "An act for the relief of Jemima Burk," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 91
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Ives	Mr. H. D. Smith
Mr. Allison	Mr. Fillmore	Mr. Johnson	Mr. L. Smith
Mr. Armstrong	Mr. Fleming	Mr. Jones	Mr. T. L. Smith
Mr. Arnold	Mr. Fowler	Mr. Judd	Mr. Speaker
Mr. Austin	Mr. P. C. Fuller	Mr. Lindsley	Mr. Spier
Mr. Bailey	Mr. W. K. Fuller	Mr. Mallory	Mr. Stanton
Mr. C. Baker	Mr. Garbutt	Mr. Mandeville	Mr. Starr
Mr. E. Baker	Mr. Gardner	Mr. Mathews	Mr. Taber
Mr. Barnett	Mr. Garnsey	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Goodman	Mr. M'Niel	Mr. Titus
Mr. Boynton	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Bradish	Mr. Graham	Mr. Noble	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Graves	Mr. Paige	Mr. P. Van Beuren

Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. Van Wyck
Mr. Dana	Mr. Hascall	Mr. Randall	Mr. Waring
Mr. Dayton	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Scott	Mr. Wheeler
Mr. Defreest	Mr. Heermans	Mr. Seeley	Mr. Willey
Mr. Dickson	Mr. Holdridge	Mr. Sheppard	Mr. Williams
Mr. Dygert	Mr. Hubbard	Mr. Sill	Mr. Williamson
Mr. Efner	Mr. Hubbell	Mr. Skinner	Mr. Young
Mr. Eldridge	Mr. Hynds	Mr. Sloughter	91

Ordered, That the clerk deliver the said bills to the Senate, and inform them that this house have passed the same severally without amendment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," and that the same is correctly engrossed.

Ordered, That the said bill be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES 80
NAYS 13

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dana	Mr. Ives	Mr. Scott
Mr. Allison	Mr. Dean	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. Defreest	Mr. Jones	Mr. Sill
Mr. Austin	Mr. Dygert	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr. Eldridge	Mr. Keith	Mr. Sloughter
Mr. E. Baker	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. Baragar	Mr. Fillmore	Mr. Mallory	Mr. T. L. Smith
Mr. Barnet	Mr Fleming	Mr. Mandeville	Mr. Speaker
Mr. Bogert	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Tabor
Mr. Boynton	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Norton	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Chandler	Mr. Heermans	Mr. Randall	Mr. White
Mr. Collier	Mr. Hubbell	Mr. Redfield	Mr. Williamson
Mr. Curtiss	Mr. Hynds	Mr. Savage	Mr. Young 80

Those who voted in the negative are—

Mr. Armstrong	Mr. Graham	Mr. Hazeltine	Mr. Stanton
Mr. Edgerton	Mr. Graves	Mr. Sanford	Mr. Waugh
Mr. Fitch	Mr. Hascall	Mr. Sheppard	Mr. Wheeler
Mr. Garbutt			13

Thereupon,

Mr. Hazeltine offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company."

Ordered, That the said resolution be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie,'" and that the same is correctly engrossed.

The said engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Johnson	Mr. Sheppard
Mr. Allison	Mr. Fitch	Mr. Jones	Mr. Sill
Mr. Armstrong	Mr. Fleming	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Fowler	Mr. Keith	Mr. Sloughter
Mr. Austin	Mr. Franklin	Mr. Lindsley	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. Spier
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Stanton
Mr. Brinkerhoff	Mr. Gardner	Mr. Mathews	Mr. Starr
Mr. Burt	Mr. Garnsey	Mr. M'Crea	Mr. Tabor
Mr. Carley	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Case	Mr. Gosman	Mr. W. M'Donald	Mr. Titus
Mr. Chandler	Mr. Graham	Mr. Mixer	Mr. J. Van Beuren
Mr. Collier	Mr. J. Hall	Mr. Myers	Mr. Vanderbilt
Mr. Curtiss	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Dana	Mr. Hazeltine	Mr. Paige	Mr. Waring
Mr. Dayton	Mr. Hedges	Mr. Phoenix	Mr. Waugh
Mr. Dean	Mr Heermans	Mr. Randall	Mr. Wheeler
Mr Defreest	Mr. Holdridge	Mr. Redfield	Mr. Willey
Mr. Dygert	Mr. Hubbard	Mr. Sanford	Mr. Williams
Mr. Efner	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Eldridge	Mr. Hynds	Mr. Seeley	Mr. Young
Mr. Falley	Mr. Ives		90

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act concerning standard measures of capacity;" the engrossed bill entitled "An act for the relief of John Gifford;" and the engrossed bill entitled "An act to divide the town of Clymer in the county of Chautauque," and that the said bills are correctly engrossed.

The said engrossed bill, entitled "An act concerning standard measures of capacity," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of John Gifford," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to divide the town of Clymer in the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence to the same.

The engrossed bill from the Senate, entitled "An act to incorporate the Flushing steam-boat company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hubbard	Mr. Sanford
Mr. Allison	Mr. Efner	Mr. Hubbell	Mr. Scott
Mr. Armstrong	Mr. Eldridge	Mr. Hynds	Mr. Seeley
Mr. Arnold	Mr. Falley	Mr. Ives	Mr. Sheppard
Mr. Austin	Mr. Fillmore	Mr. Johnson	Mr. Sill
Mr. C. Baker	Mr. Fitch	Mr. Jones	Mr. Skinner
Mr. E. Baker	Mr. Fleming	Mr. Judd	Mr. Sloughter
Mr. Baragar	Mr. Fowler	Mr. Keith	Mr. L. Smith
Mr. Barnett	Mr. Franklin	Mr. Lindsley	Mr. T. L. Smith
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker
Mr. Boynton	Mr. W. K. Fuller	Mr. Mandeville	Mr. Spier
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mann	Mr. Starr
Mr. Burt	Mr. Gardner	Mr. Mathews	Mr. Tabor
Mr. Carley	Mr. Garnsey	Mr. M'Crea	Mr. Tailor
Mr. Carrier	Mr. Goodman	Mr. J. M'Donold	Mr. Titus
Mr. Case	Mr. Gosman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Chandler	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Collier	Mr. Graves	Mr. Myers	Mr. Waugh
Mr. Curtiss	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Dana	Mr. Hammond	Mr. Paige	Mr. White
Mr. Dayton	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Dean	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Defreest	Mr. Heermans	Mr. Randall	Mr. Williamson
Mr. Dickson	Mr. Holdridge	Mr. Redfield	Mr. Young 96

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Brooklyn collegiate institute for young ladies," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	98
NAYS	09

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Judd	Mr. Sill
Mr. Allison	Mr. Fillmore	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Fitch	Mr. Lindsley	Mr. Sloughter
Mr. Austin	Mr. Fleming	Mr. Mallory	Mr. H. D. Smith
Mr. Bailey	Mr. Fowler	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mann	Mr. T. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Speaker
Mr. Barnett	Mr. Garbutt	Mr. M'Crea	Mr. Spier
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Goodman	Mr. M'Niel	Mr. Tabor
Mr. Boynton	Mr. Graham	Mr. Mixer	Mr. Tailor
Mr. Brinkerhoff	Mr. Graves	Mr. Morell	Mr. Titus
Mr. Burt	Mr. J. Hall	Mr. Myers	Mr. Tower
Mr. Cargill	Mr. W. Hall	Mr. Noble	Mr. J. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. P. Van Beuren
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Vanderbilt
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. Van Wyck
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Waring
Mr. Collier	Mr. Holdridge	Mr. Randall	Mr. Waugh
Mr. Dana	Mr. Hubbard	Mr. Redfield	Mr. White
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Willey
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Williamson
Mr. Defreest	Mr. Ives	Mr. Scott	Mr. Wyckoff
Mr. Dickson	Mr. Johnson	Mr. Seeley	Mr. Young
Mr. Dygert	Mr. Jones		

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Those who voted in the negative are—

Mr. Curtiss	Mr. Eldridge	Mr. Hascall	Mr. Wheeler
Mr. Davenport	Mr. Gosman	Mr. J. M'Donald	Mr. Williams
Mr. Edgerton			

9

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act concerning the towing path bridge across the Mohawk river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Bradford Howland," and that the said bill is correctly engrossed.

Thereupon,

The said bill was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passsed April 2d, 1805," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Heermans	Mr. Scott
Mr. Allison	Mr. Dean	Mr. Hubbard	Mr. Seeley
Mr. Armstrong	Mr. Defreest	Mr. Hubbell	Mr. Sheppard
Mr. Austin	Mr. Edgerton	Mr. Hynds	Mr. Sill
Mr. Bailey	Mr. Falley	Mr. Ives	Mr. Skinner
Mr. C. Baker	Mr. Fitch	Mr. Johnson	Mr. Sloughter
Mr. E. Baker	Mr. Fleming	Mr. Judd	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. Keith	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. Mallory	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mandeville	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mann	Mr. Tabor
Mr. Brinkerhoff	Mr. Gardner	Mr. M'Crea	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. J. M'Donald	Mr. Tower
Mr. Cargill	Mr. Goodman	Mr. W. M'Donald	Mr. J. Van Beuren
Mr. Carley	Mr. Gosman	Mr. M'Niel	Mr. P. Van Beuren
Mr. Carrier	Mr. Graham	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. Graves	Mr. Myers	Mr. Van Wyck
Mr. Chandler	Mr. J. Hall	Mr. Norton	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Partridge	Mr. White
Mr. Curtiss	Mr. Hammond	Mr. Phoenix	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Wyckoff
Mr. Davenport	Mr. Hedges	Mr. Redfield	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to incorporate the Niagara water works company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 87
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hazeltine	Mr. Seeley
Mr. Allison	Mr. Dean	Mr. Heermans	Mr. Sheppard
Mr. Armstrong	Mr. Defreest	Mr. Holdridge	Mr. Sill
Mr. Arnold	Mr. Dygert	Mr. Hubbard	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Hubbell	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Ives	Mr. L. Smith
Mr. E. Baker	Mr. Falley	Mr. Johnson	Mr. Speaker
Mr. Baragar	Mr. Fillmore	Mr. Lindsley	Mr. Spier
Mr. Barnett	Mr. Fitch	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. Fleming	Mr. Mann	Mr. Taber
Mr. Boynton	Mr. Fowler	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Franklin	Mr. W. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. P. C. Fuller	Mr. Mixer	Mr. J. Van Beuren
Mr. Burt	Mr. W. K. Fuller	Mr. Morell	Mr. Vanderbilt
Mr. Carley	Mr. Garbutt	Mr. Myers	Mr. Waring
Mr. Carrier	Mr. Gardner	Mr. Noble	Mr. Waugh
Mr. Case	Mr. Garnsey	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Goodman	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Gosman	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Graham	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Graves	Mr. Sanford	Mr. Young
Mr. Davenport	Mr. Hammond	Mr. Scott	87

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the village of Bainbridge in the county of Chenango," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	88
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hascall	Mr. Scott
Mr. Allison	Mr Defreest	Mr. Hazeltine	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr Heermans	Mr. Sheppard
Mr. Arnold	Mr. Edgerton	Mr. Holdridge	Mr. Sill
Mr. Austin	Mr. Efner	Mr. Hubbell	Mr. Skinner
Mr. E. Baker	Mr. Eldridge	Mr. Hynds	Mr. Sloughter
Mr. Baragar	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. Barnet	Mr. Fitch	Mr. Judd	Mr. T. L. Smith
Mr. Bogert	Mr. Fleming	Mr. Lindsley	Mr. Speaker
Mr. Bostwick	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Boynton	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Bradish	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Burt	Mr. Garbutt	Mr. W. M'Donald	Mr. Titus
Mr. Carley	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Carrier	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren
Mr. Case	Mr. Gosman	Mr. Noble	Mr. P. Van Beuren
Mr. Collier	Mr. Graham	Mr. Norton	Mr. Van Wyck
Mr. Curtiss	Mr. Graves	Mr. Randall	Mr. Waring
Mr. Dana	Mr. J. Hall	Mr. Redfield	Mr. Williams
Mr. Davenport	Mr. W. Hall	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hammond	Mr. Savage	Mr. Young 88

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Ives	Mr. Sill
Mr. Allison	Mr. Efner	Mr. Johnson	Mr. Skinner
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Sloughter
Mr. Arnold	Mr. Falley	Mr. Judd	Mr. L. Smith
Mr. Austin	Mr. Fillmore	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Lindsley	Mr. Speaker
Mr. E. Baker	Mr. Fleming	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mandeville	Mr. Stanton
Mr. Barnett	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Bogert	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donold	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. W. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Niel	Mr. Tower
Mr. Carley	Mr. Gosman	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. Graham	Mr. Morell	Mr. Van Wyck
Mr. Case	Mr. Graves	Mr. Paige	Mr. Waring
Mr. Chandler	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Redfield	Mr. Willey
Mr. Dayton	Mr. Hazeltine	Mr. Sanford	Mr. Williams
Mr. Dean	Mr. Heermans	Mr. Savage	Mr. Williamson
Mr. Defreest	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Dickson	Mr. Hynds	Mr. Sheppard	Mr. Young
Mr. Dygert			93

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The Senate returned, by their clerk, the bill entitled "An act allowing the president and directors of the Great Island turnpike road company to relinquish a part of their road;" the bill entitled "An act to incorporate the village of Smyrna in the county of Chenango;" and the bill entitled "An act to divide the town of Ontario in the county of Wayne."

Ordered, That the clerk deliver the said bills to the acting Governor.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Harlaem river canal company;'" the bill entitled "An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque;" the bill entitled "An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport in the county of Cayuga;" the bill entitled "An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,' passed April 5th, 1828;" and the bill entitled "An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act authorising an additional amount of money to be raised by tax for roads and bridges in the town of Florida."

Thereupon,

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have concurred with the house in their amendments to the bill entitled "An act to appoint

commissioners to lay out a road in the towns of Vernon and Verona in the the county of Oneida," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the construction of a road from Port Kent in the county of Essex, to Hopkinton in the county of St. Lawrence, and making an appropriation therefor."

"An act authorising Jonathan Peck and his associates to erect a dock in the town of Flushing."

"An act to improve the navigation of the Cattetunk creek."

"An act authorising James E. Jones to erect a dam across the Canisteo river."

"An act to discontinue a certain part of a highway in the town of Columbia in the county of Herkimer."

"An act to authorise the overseers of the poor of the town of Queensbury in the county of Warren, to sell a certain lot of land."

"An act authorising Benjamin Tucker to change his name to Benjamin Franklin."

"An act authorising the town of Fort-Edward to dispose of certain public monies."

"An act to incorporate the Schenectady African school society."

"An act for allowing compensation to petit jurors attending certain courts in the county of Schenectady."

"An act authorising the supervisors of the county of Ontario to raise a sum of money, for the purpose of repairing the jail of said county."

"An act to divide the town of Gerry in the county of Chautauque."

"An act to alter the name of the First congregational church and society of the town of Worcester in the county of Otsego."

"An act to amend an act entitled 'An act to incorporate the village of Waterloo in the county of Seneca."

"An act authorising the commandant of the thirteenth regiment of artillery to constitute and appoint a regimental court-martial, for certain purposes."

"An act authorising the erection of two poor-houses in the county of Tioga."

"An act to incorporate the Saratoga county turnpike company."

"An act authorising George D. Coles to erect a dock in the town of Oysterbay."

"An act to authorise the commissioners of highways of the town of Otego to alter a road."

"An act to incorporate the Smithsboro' and Nichols bridge company."

"An act transferring the records of the court of probates to the office of the register in chancery."

"An act to incorporate the Troy water-works company."

E. T. THROOP.

Albany, *April* 18, 1829.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising the investment of a part of the school fund in stock to be created for the construction of the Cayuga and Seneca canal," and that the said bill be ordered to a third reading.

Thereupon,

The said engrossed bill, entitled "An act authorising the investment of a part of the school fund in stock to be created for the construction of the Cayuga and Seneca canal," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Livingston County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, APRIL 21, 1829.

The House met pursuant to adjournment.

Mr. Bradish, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning trespasses on lands contracted to be sold by the state," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Tower, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Skinner, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the further support and extension of

common schools in the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Cargill, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the prevention of masquerades," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Burt, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning the village of Lewiston in the county of Niagara," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. T. L. Smith, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act making certain alterations in the map or plan of the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Cargill, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York, to erect a public market, and to lay out and open a public street in the eleventh ward of the said city," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. W. K. Fuller, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to the imprisonment within the city and county of New-York, of female convicts adjudged to be confined in the state prison," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Thomas Staats junior," reported, that they have examined the said bill, and recommend that the same be recommitted to a committee of the whole house.

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. Redfield, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Johnson, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object," reported, that they have examined the said bill, and prepared an amend-

ment thereto, with which they see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Eldridge, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Bogert, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of the heirs of William Jones deceased," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Bogert, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of the devisees of Francis Atkinson," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Heermans, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act relative to the city of Troy," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendments were ordered to be engrossed, and the bill was ordered to a third reading.

Mr. C. Baker, from the select committee to which was committed the bill entitled "An act to extend the time for completing the Newtown turnpike road," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Holdridge, from the select committee to which was committed the bill entitled "An act concerning school districts number two and five in the town of Kinderhook," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Brinkerhoff, from the select committee to which was committed the bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mallory, from the select committee to which was committed the bill entitled "An act for the relief of the widow and children of James Usher," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Savage, from the select committee, appointed in pursuance of a resolution of the 26th March, to inquire into the expediency of removing the seat of government of this state from the city of Albany to the town of Utica, or such other place within the state of New-York as the committee might deem expedient, with instructions to report by bill or otherwise, reported:

That the committee, in the first place, have directed their attention to the inquiry, whether a removal of the Capitol from the city of Albany, would at this time be deemed expedient? And when they consider that a large and durable edifice is already owned in part by the state, for the publick accommodation, it might naturally be inferred that the expense of purchasing ground for new buildings, and making suitable erections thereon, ought not lightly to be undertaken. The present Capitol was erected at considerable expense to the state. The expenditures from 1806 to 1814, were $73,185; the city and county of Albany contributed $37,200; making, in all, $110,685, and the state in fact only secured a species of co-tenancy with the city and county of Albany, the public business of which places may at all times, and on all occasions, be transacted within the walls of the state Capitol. The committee do not mention this as derogating in the least from the character of the state, nor as having given rise to any interruption or delay in the administration of public affairs; but the inquiry may respectfully be submitted, whether a rich and powerful commonwealth like that of the state of New-York, ought not at least to have the exclusive control of an edifice in which the affairs of state exclusively might be transacted; where the state archives might be lodged with perfect security, and where the representatives of the people and the executive of the state might discharge their public duties without the possible contingency of interruption from a co-tenant.

As early as the year 1796, at a time when the great mass of the population of our state was south of Albany, the question on a removal of the legislative sessions to Albany, was decided by a vote in the Assembly, of 53 to 50, and in the Senate by the casting vote of the President of the Senate, the Hon. Stephen Van Rensselaer, the members of that branch of the legislature standing 19 to 19. This decision at that day, was probably made under the conviction that the extensive territory north and west of the present Capitol, might at some future period be rendered so far habitable as to give it a population somewhat approximating to that inhabiting the territory east and south of it. It can hardly be supposed that at that early period, the legislature could foresee or even anticipate, that, within less than half a century from the time in which they were deliberating, the tide of emigration would roll the popular centre of the state to a point far west of Albany. The vote which was then given, was probably induced by the conviction that something was due to geographical considerations, as well as to the centre of population; and in locating the Capitol at Albany, they seemed willing to propitiate extent of territory by a partial sacrifice of what then may have been popular feeling. At that period, the country lying south of the city of Albany, had by far the largest amount of population, and the western portion of the state, now containing near a million of inhabitants, did not contain a population larger than may now be found in the single county of Oneida. It may not, however, be improbable, that at that early period of our history, the proffered assistance of the citizens of the city and county of Albany, to erect a building for the mutual accommodation of the citizens of that county and of the state, may have led to its present location. If so, the committee cannot, for the reason already submitted, assent to the correctness of the decision, and for the further reason, that aside from the considerations of state dignity and state independence, state partnership is any thing else than profitable.

The committee are not fully informed on the subject, but they venture to state that something like 6 or 7,000 dollars has been paid out of the public treasury for repairs to the room occupied by the court of common pleas and circuit courts of Albany, in the shape of a sky-light; and if this be correct, they conceive it to be but a small equivalent for this enormous expenditure, that the supreme court is permitted to hold two of its sittings yearly in that room. This

and other expenditures in the repairing of the Capitol, show the impolicy of state partnership.

Upon an examination of the census of 1825, the committee have ascertained that the counties forming the line of St. Lawrence, Herkimer, Broome and the half of Otsego, together with the counties lying west of those counties, contained a population of 800,663, while the counties east and south thereof, contained a poplation of 823,797, and if the unparalleled increase of population in the western sections of our state, previous to 1825, has continued since that period up to the present time, or if it has continued with a diminution of fifty per cent. from the four years preceding 1825 for the four years subsequent thereto, the committee conceive themselves to be treating of facts when they state that at this moment the centre of population as well as the geographical centre of the state lies west of the line they have drawn.

In addition to the precedent already established by our legislature, of locating the seat of government in the centre of population, the committee would remark, that our sister state of Pennsylvania has made two removals in the location of her public buildings, for the attainment of the same object, and the committee are unable to discover any solid reason against such a measure, unless the question of expense should be taken into the account, and upon that subject the committee will offer some suggestion before concluding this report.

In relation to a location at Utica, the committee have been influenced by the consideration that it is nearer the centre of population and the geographical centre of the state, than any other considerable village or town within it—it is at the point of concentration of great public roads from every direction, and affords facilities of communication with every part of the state, not equalled by any other inland town. It is situated in the midst of a rich and fertile district of country, and surrounded by a dense, active and enterprising population; its climate pure and healthy, and its public accommodations to the traveller or the temporary resident, is probably not surpassed by any town of equal population within the state, and it contains at this time a population equal to that of Albany, at the time that that city became the seat of government, and there is reason to believe, that it will soon equal that city, both in wealth and numbers.

Notwithstanding the heavy expenditures of money in the erection of the present Capitol, it is not a very flattering specimen of architecture, and its internal arrangement is very far from being well adapted to the purpose for which it was designed. Nearly eight thousand dollars have been expended in repairs, since its erection; and at the present session of the legislature it has been proposed to erect a new building for the public convenience, and a bill is now before the Assembly, having passed the Senate, for putting an end to the co-tenancy existing between the state and the county of Albany.

So far as the expense of a measure, connected with the interest and just pride of this great and flourishing state is a proper subject of consideration, it will be proper to take into the estimate the amount that may be procured for the present public buildings and the land attached to the same, and the probable expense of making a more elegant and better adapted erection, the committee are satisfied that the necessary expenditure will be but a moderate item in comparison with the benefits to be derived.

The committee, with the view of eliciting information on a subject of so much importance, as that referred to their consideration, would respectfully recommend to the House the adoption of the following resolutions, which they hope that no portion of the representatives of the people will feel themselves called upon to oppose.

Resolved, (if the honorable Senate concur herein,) That Henry Huntington, Thomas B. Hubbard, Joseph Kirkland, Samuel Stocking, Montgomery Hunt, Alexander B. Johnson, Samuel Beardsley, William Clarke and Abraham Varick, be and they are hereby appointed commissioners in relation to the erection of a Capitol and other public buldings at Utica, in the county of Oneida.

Resolved, That it shall be the duty of the said commissioners to ascertain whether some suitable site or sites for a Capitol and other public buildings at Utica, aforesaid, will be gratuitously conveyed to the people of this state, and what

other donations, if any, will be made to the said people, in the event of the erection of the said public buildings.

Resolved, That the said commissioners cause an accurate survey and map of any such site or sites to be made, and procure plans for a Capitol and other public buildings, sufficiently spacious for the accommodation of all the public officers, with estimates of the expense of erecting and completing the same according to the several plans that may be suggested.

Resolved, That the said commissioners ascertain, as far as practicable, what price or sum of money can be obtained for the present Capitol and other public buildings, and the lands occupied by and attached to the same.

Resolved, That the said commissioners take such other and further measures for the purpose of affording full and accurate information on the foregoing subjects as they may deem proper, and that they report their proceedings in the premises, to the legislature at its next session.

Ordered, That the said report and resolutions be laid upon the table.

Ordered, That the usual number of copies of the said report and resolutions be printed for the use of the legislature.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Union Bank in the city of New-York;" the said report being that the committee had gone through the said bill, made amendments thereto, and agreed to the same in the words following, to wit:

An Act to extend for a limited period the charter of the Union Bank in the city of New-York.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "An act to incorporate the stockholders of the Union Bank in the city of New-York," passed March 8th, 1811, and all acts and parts of acts relating to the same as now in force, shall be, and they are hereby continued in force, until the first day of January, one thousand eight hundred and fifty-three; except that from and after the filing of the assent hereinafter mentioned, so much and such parts of the said acts as may be repugnant to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, and the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, shall be, and they are hereby repealed; subject, however, to the modifications mentioned in the fifth section of this act.

§ 2. The said corporation shall be subject to the provisions contained in the eighteenth chapter of the first part of the Revised Statutes, from and after the filing of the assent hereinafter mentioned, except so far as the same are modified by the act last recited in the preceding section.

§ 3. The said corporation shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coins and bills of exchange, by issuing bills, notes and other evidences of debt, and by exercising such other incidental powers as shall be necessary to carry on such business.

§ 4. No person shall be a director of such corporation, who does not hold in his own right, free from all and every incumbrance by way of hypothecation, at least one thousand dollars of the capital stock of the said corporation; and when such director shall cease to hold such stock, his office as such director shall become vacant.

§ 5. The said corporation shall be subject to the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, from and after the filing of the assent hereinafter mentioned, except the twenty-seventh section of said act, which section shall be binding upon said corporation from and after the first day of July, in the year one thousand eight hundred and thirty.

§ 6. The provisions of the acts now binding upon said corporation, which regulate the amount of notes or bills loaned or put in circulation, and the amount of the loans and discounts of said corporation, shall be in force and obligatory upon said corporation until the said first day of July, one thousand eight hundred and thirty.

§ 7. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for any loan or discount made by such corporation.

§ 8. The charter of the said corporation shall not be extended, by virtue of this act, beyond the first day of May, one thousand eight hundred and thirty-six, unless the said corporation shall, on or before the first day of May, one thousand eight hundred and thirty-two, cause to be filed with the comptroller of this state, a certificate under its corporate seal, and signed by its president and cashier, setting forth that said corporation assents to become subject to all the provisions of this act; and shall, on or before the day last mentioned, make such payments to the fund mentioned in the said act, entitled "an act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," as they would have been bound previously to make, had the assent aforesaid been filed on the fourth day of January, one thousand eight hundred and thirty.

Thereupon,

Mr. P. Van Beuren made a motion that the house should agree to amend the said report, by striking out all of the same after the enacting clause, and inserting in lieu thereof the following:

An Act to extend for a limited period the charter of the Union Bank in the city of New-York.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The act entitled "An act to incorporate the stockholders of the Union Bank in the city of New-York," passed March 8th, 1811, and all acts and parts of acts relating to the same, as now in force, shall be, and they are hereby continued in force until the first day of January, one thousand eight hundred and fifty-three; except that from and after the filing of the assent hereinafter mentioned, so much and such parts of the said acts as may be repugnant to the provisions contained in the eighteenth chapter of the first part of the revised statutes, and the provisions contained in the act entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, shall be, and they are hereby repealed; subject, however, to the modifications mentioned in the fourth section of this act.

§ 2. The said corporation shall be subject to the provisions contained in the eighteenth chapter of the first part of the revised statutes, from and after the filing of the assent hereinafter mentioned, except so far as the same are modified by the act last recited in the next preceding section.

§ 3. No person shall be a director of such corporation, who does not hold in his own right, free from all and every incumbrance, by way of hypothecation, at least one thousand dollars of the capital stock of the said corporation; and when such director shall cease to hold such stock, his office, as such director, shall become vacant.

§ 4. The said corporation shall be subject to the operation of the provisions contained in the act, entitled "An act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, from and after the filing of the assent hereinafter mentioned, except the twenty-seventh section of said act, which section shall be binding upon said corporation from and after the first day of July, in the year one thousand eight hundred and thirty.

§ 5. The provisions of the acts now binding upon the said corporation, which regulate the amount of notes or bills loaned or put in circulation, and the amount of the loans and discounts of said corporation, shall be in force and ob-

ligatory upon said corporation until the said first day of July, one thousand eight hundred and thirty.

§ 6. The charter of the said corporation shall not be extended, by virtue of this act, unless the said corporation shall, on or before the fourth day of January next, cause to be filed with the comptroller of this state, a certificate under the corporate seal, and signed by its president and cashier, setting forth that said corporation assents to become subject to all the provisions of this act.

§ 7. It shall not be lawful for the said corporation to take a hypothecation of its own stock, as security for any loan or discount made by such corporation.

§ 8. The legislature may at any time repeal, alter or modify this act.

Debates were had upon the said resolution of Mr. P. Van Beuren; and the question being put whether the house would agree thereto, it was determined in the affirmative.

AYES	57
NAYS	50

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Edgerton	Mr. Hubbard	Mr. Sheppard
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. H. D. Smith
Mr. Barnet	Mr. Fillmore	Mr. Mandeville	Mr. Speaker
Mr. Brinkerhoff	Mr Fleming	Mr. Mann	Mr. Stanton
Mr. Burt	Mr. Franklin	Mr. Mathews	Mr. Tabor
Mr. Carley	Mr. Garbutt	Mr. M'Crea	Mr. Tower
Mr. Carrier	Mr. Garnsey	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Chandler	Mr. Gosman	Mr. W. M'Donald	Mr. Van Wyck
Mr. Collier	Mr. Graham	Mr. Mixer	Mr. Waring
Mr. Curtiss	Mr. J. Hall	Mr. Noble	Mr. Waugh
Mr. Davenport	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Defreest	Mr. Hascall	Mr. Redfield	Mr. Willey
Mr. Dickson	Mr. Hazeltine	Mr. Sanford	Mr. Williams
Mr. Dygert			

57

Those who voted in the negative are—

Mr. Al Burtis	Mr. P. C. Fuller	Mr. Lindsley	Mr. T. L. Smith
Mr. Arnold	Mr. W. K. Fuller	Mr. Mallory	Mr. Soper
Mr. Austin	Mr. Gardner	Mr. Morell	Mr. Spier
Mr. E. Baker	Mr. Goodman	Mr Myers	Mr. Starr
Mr. Bogert	Mr. Graves	Mr. Norton	Mr. Tailor
Mr. Bostwick	Mr. W. Hall	Mr. Paige	Mr. Titus
Mr. Bradish	Mr. Hedges	Mr. Phoenix	Mr. J. Van Beuren
Mr. Cargill	Mr. Heermans	Mr. Randall	Mr. Vanderbilt
Mr. Case	Mr. Holdridge	Mr. Savage	Mr. White
Mr. Dayton	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Eldridge	Mr. Johnson	Mr. L. Smith	Mr. Young
Mr. Fitch	Mr. Jones		

50

Ordered, That the bill be engrossed.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to enable certain aliens therein mentioned, to take, hold and convey real estate, and for other purposes;" and that the said bill be re-committed to the committee on the petitions of aliens, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York;" and that the said bill be committed to a select committee, consisting of Mr. Cargill, Mr. Bogert and Mr. Al Burtis, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the relief of the New-York Protestant Episcopal public school;" and that the said bill be committed to a select committee, consisting of Mr. Arnold, Mr. T. L. Smith and Mr. Al Burtis, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act in relation to masters and examiners in chancery in the cities of New-York and Albany;" and that the said bill be committed to a select committee, consisting of Mr. Starr, Mr. Dana and Mr. Fleming, to consider and report thereon.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the Attorney-General be requested to report to this house his opinion whether the assent required to be filed by the president and cashier of any monied corporation whose charter is extended under the provisions of the "Act to create a fund for the benefit of the creditors of certain monied corporations, and for other purposes," passed April 2d, 1829, can be so filed without the consent of every individual stockholder in such monied corporation.

Ordered, That the said resolution be laid upon the table.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act further to extend the act passed April 11th, 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York;'" and that the said bill be committed to a select committee, consisting of Mr. Cargill, Mr. Myers and Mr. Dayton, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act for the relief of Basil Nadeau, a Canadian refugee; and that the said bill be committed to a select committee, consisting of Mr. Edgerton, Mr. Bradish and Mr. Hynds, to report the same complete.

Mr. Johnson offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur,) That there be appointed a committee of three persons, to consist of one member of the Senate and two members of the Assembly, who shall examine the accounts and vouchers of the treasurer, pursuant to the provisions of title 4 of chapter 8 of the first part of the revised statutes.

Ordered, That the said resolution be laid upon the table.

Mr. Lindsley gave notice that he would, on some future day, ask for leave to introduce a bill to amend so much of chapter second, title first, section eleventh of the first part of the revised statutes, as relates to the division line between the towns of Neversink and Fallsburgh.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Newburgh," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	101
NAYS	08

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Hubbell	Mr. Skinner
Mr. Allison	Mr. Eldridge	Mr. Ives	Mr. Sloughter
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. Judd	Mr. L. Smith
Mr. Austin	Mr. Fitch	Mr. Keith	Mr. Soper
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. Spier
Mr. E. Baker	Mr. Fowler	Mr. Mallory	Mr. Stanton
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Starr
Mr. Barnett	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tabor
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Mixer	Mr. J. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. W. Hall	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Holdridge	Mr. Seeley	Mr. Wyckoff
Mr. Defreest	Mr. Hubbard	Mr. Sheppard	Mr. Young
Mr. Dygert			101

Those who voted in the negative are—

Mr. Bogert	Mr. Dickson	Mr. Edgerton	Mr. Speaker
Mr. Cargill	Mr. Dyckman	Mr. T. L. Smith	Mr. Titus 8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Butchers' and Drovers' Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 91
NAYS 15

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Keith	Mr. Sloughter
Mr. Allison	Mr. Defreest	Mr. Lindsley	Mr. H. D. Smith
Mr. Armstrong	Mr. Dygert	Mr. Mallory	Mr. L. Smith
Mr. Arnold	Mr. Efner	Mr. Mann	Mr. Soper
Mr. Austin	Mr. Falley	Mr. M'Crea	Mr. Spier
Mr. C. Baker	Mr. Fillmore	Mr. J. M'Donald	Mr. Stanton
Mr. E. Baker	Mr. Fitch	Mr. W. M'Donald	Mr. Starr
Mr. Baragar	Mr. Fleming	Mr. M'Niel	Mr. Tabor
Mr. Barnet	Mr. Fowler	Mr. Mixer	Mr. Tailor
Mr. Bostwick	Mr. Franklin	Mr. Morell	Mr. Teller
Mr. Boynton	Mr. P. C. Fuller	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Garnsey	Mr. Norton	Mr. P. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Van Wyck

Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Waring
Mr. Case	Mr. Hascall	Mr. Randall	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Collier	Mr. Hubbard	Mr. Savage	Mr. Willey
Mr. Curtiss	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Dana	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Davenport	Mr. Jones	Mr. Sheppard	Mr. Young
Mr. Dayton	Mr. Judd	Mr. Skinner	91

Those who voted in the negative are—

Mr. Cargill	Mr. Eldridge	Mr. Hazeltine	Mr. Titus
Mr. Dickson	Mr. W. K. Fuller	Mr. Hedges	Mr. Waugh
Mr. Dyckman	Mr. Gosman	Mr. Mandeville	Mr. Williamson
Mr. Edgerton	Mr. Graham	Mr. Speaker	15

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Genesee," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 94
NAYS 11

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Johnson	Mr. Scott
Mr. Allison	Mr. Defreest	Mr. Jones	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Judd	Mr. Sheppard
Mr. Arnold	Mr. Efner	Mr. Keith	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. C. Baker	Mr. Fillmore	Mr. Mallory	Mr. H. D. Smith
Mr. E. Baker	Mr. Fitch	Mr. Mann	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. M'Crea	Mr. Soper
Mr. Barnett	Mr. Fowler	Mr. J. M'Donald	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. W. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Taber
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Tailor
Mr. Brinkerhoff	Mr. Garnsey	Mr. Myers	Mr. Teller
Mr. Burt	Mr. Goodman	Mr. Noble	Mr. Tower
Mr. Carley	Mr. Gosman	Mr. Norton	Mr. J. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Case	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hubbard	Mr. Sanford	Mr. Wyckoff
Mr. Davenport	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Dayton	Mr. Ives		94

Those who voted in the negative are—

Mr. Cargill	Mr. Edgerton	Mr. Hedges	Mr. Vanderbilt
Mr. Dickson	Mr. W. K. Fuller	Mr. Speaker	Mr. Williamson
Mr. Dyckman	Mr. Graham	Mr. Titus	11

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 96
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hubbard	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Hubbell	Mr. Sloughter
Mr. Armstrong	Mr. Eldridge	Mr. Ives	Mr. H. D. Smith
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. L. Smith
Mr. Austin	Mr. Fillmore	Mr. Jones	Mr. T. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Judd	Mr. Speaker
Mr. Baragar	Mr. Fowler	Mr. Keith	Mr. Spier
Mr. Barnett	Mr. Franklin	Mr. Lindsley	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mann	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Garbutt	Mr. J. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Gardner	Mr. M'Niel	Mr. Titus
Mr. Burt	Mr. Garnsey	Mr. Mixer	Mr. Tower
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren
Mr. Carley	Mr. Gosman	Mr. Myers	Mr. P. Van Beuren
Mr. Carrier	Mr. Graham	Mr. Paige	Mr. Vanderbilt
Mr. Case	Mr. Graves	Mr. Partridge	Mr. Waring
Mr. Chandler	Mr. J. Hall	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Randall	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hascall	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Hazeltine	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Hedges	Mr. Seeley	Mr. Wyckoff
Mr. Defreest	Mr. Holdridge	Mr. Sheppard	Mr. Young 96

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Naples turnpike road company;" the engrossed bill entitled "An act for the relief of Jonathan Wheat;" the engrossed bill entitled "An act relative to the bridge across the outlet of Long lake in Saratoga county;" the engrossed bill entitled "An act to incorporate the Poesten-kill turnpike road company;" the engrossed bill entitled "An act to amend section fifteen of title first, chapter twenty of the first part of the revised statutes, relative to the office of the superintendent of the poor;" the engrossed bill entitled "An act requiring the publication of notices in certain cases;" the engrossed bill entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus;" and the engrossed bill entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo in the county of Cattaraugus," and find the said bills severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to amend an act entitled 'An act to amend the act entitled 'An act to prevent horse-racing, and for other purposes,' passed April 5th, 1828."

"An act allowing the president and directors of the Great Island turnpike road company, to relinquish part of their road."

"An act to divide the town of Ontario in the county of Wayne."

"An act to authorise the trustees of the village of Newburgh to raise a hook, ladder and hose company."

"An act to incorporate the village of Smyrna in the county of Chenango."

"An act regulating the privilege of fishing in the waters of this state, along the Narrows in Kings county."

"An act to amend an act entitled 'An act to incorporate the Harlaem river canal company.'"

"An act to alter the time of holding the next annual meeting of the board of supervisors of the county of Chautauque."

"An act appointing commissioners to lay out a road between the village of Auburn and the village of Weedsport, in the county of Cayuga."

E. T. THROOP.

Albany, *April* 20, 1829.

The petition of Jonathan Wadsworth, Joseph Wadsworth and Jonathan Wadsworth junior, aliens, severally praying that they may be authorised to purchase, take, hold, and convey real estate within this state, was read, and referred to the committee on the petitions of aliens.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of John Sargeant;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Jefferson County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Columbia;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Central Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Catskill Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Ontario Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend for a limited period the charter of the Bank of Chenango;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same: which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Buffalo;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed April 12th, 1825;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for and obtained leave to sit again.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank in the village of Catskill;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act to incorporate the president, directors and company of the Bank of Catskill," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the National Bank in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the president, directors and company of the Yates County Bank;" the bill entitled "An act concerning the special elections to be held for the election of justices of the peace in certain towns in the county of Onondaga;" and the bill entitled "An act to incorporate the president, directors and company of the Merchants' Bank of the city of New-York;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the president, directors and company of the Yates County Bank." was referred to a select committee, consisting of Mr. Paige, Mr. Sheppard and Mr. Starr; the bill entitled "An act concerning the special elections to be held for the election of justices of the peace in certain towns in the county of Onondaga," was referred to a select committee, consisting of Mr. L. Smith, Mr. Brinkerhoff and Mr. Skinner; and the bill entitled "An act to incorporate the president, directors and company of the Merchants' Bank of the city of New-York," was referred to a select committee, consisting of Mr. Paige, Mr. Dayton and Mr. Titus, severally to consider and report thereon.

Seven several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the president, directors and company of the Bank of Ithaca;" the bill entitled "An act to extend for a limited period the charter of the Bank of Geneva;" the bill entitled "An act to extend for a limited period the charter of the Bank of Utica;" the bill entitled "An act to extend for a limited period the charter of the Mohawk Bank;" the bill entitled "An act to extend for a limited period the charter of the Bank of Troy;" the bill entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank of Troy;" the bill entitled "An act to incorporate the president, directors and company of the Lockport Bank;" and the bill entitled "An act to extend for a limited period the charter of the Me-

chanics' and Farmers' Bank in the city of Albany," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The Senate returned, by their clerk, the bill entitled "An act to incorporate a fire company in the town of Fishkill in the county of Dutchess;" the bill entitled "An act extending the lines of certain lots in the village of Black Rock;" and the bill entitled "An act to incorporate the New-Hartford fire company."

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act authorising the commissioners of the land-office to survey and sell certain lands," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the Senate, delivered by their clerk, with the bill, amendments, report of the comm ttee of conference, and a copy of the resolution therein mentioned, was read, informing that they have agreed to the report of the committee of conference on the bill entitled "An act concerning the proof and acknowledgment of deeds."

Thereupon,

The said bill and report were read; and the report having been again read,

Resolved, That this house do agree to the report of the committee of conference.

And then the House adjourned until nine o'clock to-morrow morning.

WEDNESDAY, APRIL 22, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of Greenwich in the city of New-York, praying for the incorporation of the Greenwich Bank for Savings, was read, and referred to the committee on the incorporation of charitable and religious societies.

Mr. Brinkerhoff, from the committee on the militia, to which was referred the petition of Alexander Sickles and others, members of the New-York state artillery, for a discharge from militia duty, reported:

That they have had under consideration the application of the petitioners. The petitioners set forth in their petition, that in the year 1819 they enlisted into a company of militia, called New-York state artillery, in the city of Albany: That at the time of their enlistment, inducements were held out to them, and they were led to believe, that after they should have served for the term of seven years in said company," they would then be legally exempted from any further militia duty. The committee, however, on examination, find that there was no law that would warrant such inducements or belief, nor have they been fully satisfied from any company book or muster-roll, as to the time of their enlistment. The committee have therefore instructed their chairman to offer the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. T. L. Smith, from the select committee to which was committed the bill entitled "An act concerning the printing of legal notices in the city and county of New-York," reported, that the committee had gone through the said bill,

filled up the blank, and agreed to the same, and that a majority of the committee recommend that it be ordered to be engrossed for a third reading.

Thereupon,

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. C. Baker, from the committee on the petitions of aliens, to which was committed the bill entitled "An act to enable certain aliens therein mentioned, to take, hold, and convey real estate, and for other purposes," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Edgerton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Basil Nadeau, a Canadian refugee," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. T. L. Smith, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the special elections to be held for the election of justices of the peace in certain towns in the county of Onondaga," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Cargill, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Arnold, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of the New-York Protestant Episcopal public school," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Starr, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act in relation to masters and examiners in chancery in the cities of New-York and Albany," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Paige, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Merchants' Exchange Bank of the city of New-York," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole, when on the bills for the incorporation of banks and the renewal of bank charters.

Mr. Paige, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Yates County Bank," reported, that the committee have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole, when on the bills for the incorporation of banks and the renewal of bank charters.

Mr. Cargill, from the select committee to which was referred the bill entitled "An act further to extend the act passed April 11th, 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York,'" reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mann, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb in this state,' passed April 15th, 1825," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

In pursuance of previous notice, Mr. Lindsley asked for and obtained leave to bring in a bill entitled "An act to amend so much of the first part of the revised statutes as relates to the division line between the towns of Fallsburgh and Neversink, in the county of Sullivan;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The house then proceeded to the consideration of the resolution offered by Mr. Hazeltine on Monday last; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the Troy and Bennington turnpike road and bridge company."

Debates were had upon the said resolution; and the question being put whether the house would agree thereto, it was determined in the negative, two-thirds of all the members elected to this house not voting in favor thereof, as follows, to wit:

AYES	80
NAYS	22

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Ives	Mr. Skinner
Mr. Allison	Mr Defreest	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Dyckman	Mr. Keith	Mr. H. D. Smith
Mr. Arnold	Mr. Dygert	Mr. Lindsley	Mr. L. Smith
Mr. Austin	Mr. Eldridge	Mr. Mallory	Mr. Soper
Mr. Bacon	Mr. Fleming	Mr. Mandeville	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Barnet	Mr. Franklin	Mr. J. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Tabor
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Myers	Mr. P. Van Beuren
Mr. Brown	Mr. Gosman	Mr. Norton	Mr. Van Wyck
Mr. Burt	Mr. W. Hall	Mr. Paige	Mr. Waring
Mr. Cargill	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler
Mr. Collier	Mr Heermans	Mr. Randall	Mr. White
Mr. Curtiss	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hubbard	Mr. Scott	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Seeley	Mr. Young 80

Those who voted in the negative are—

Mr. Bailey	Mr. Davenport	Mr. Graves	Mr. Sheppard
Mr. C. Baker	Mr. Dickson	Mr. Hascall	Mr. Tailor
Mr. Baragar	Mr. Edgerton	Mr. Hedges	Mr. Vanderbilt
Mr. Bogert	Mr. Fitch	Mr. Mann	Mr. Willey
Mr. Carley	Mr. Garbutt	Mr. Mixer	Mr. Williams
Mr. Case	Mr. Goodman		22

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York."

The amendments of the Senate having been amended by the house,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, as amended by the house, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 76}
{NAYS 21}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hubbell	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Johnson	Mr. H. D. Smith
Mr. C. Baker	Mr. Efner	Mr. Mallory	Mr. Soper
Mr. E. Baker	Mr. Falley	Mr. Mandeville	Mr. Speaker
Mr. Baragar	Mr. Fitch	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. Fleming	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. Franklin	Mr. M'Crea	Mr. Starr
Mr. Bradish	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. Mixer	Mr. Tailor
Mr. Cargill	Mr. Garbutt	Mr. Norton	Mr. Titus
Mr. Case	Mr. Gardner	Mr. Paige	Mr. Tower
Mr. Chandler	Mr. Garnsey	Mr. Partridge	Mr. J. Van Beuren
Mr. Collier	Mr. Goodman	Mr. Phoenix	Mr. P. Van Beuren
Mr. Dana	Mr. Hascall	Mr. Randall	Mr. Waring
Mr. Davenport	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Dean	Mr. Hedges	Mr. Sanford	Mr. Wheeler
Mr. Defreest	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Dickson	Mr. Holdridge	Mr. Seeley	Mr. Williams
Mr. Dyckman	Mr. Hubbard	Mr. Skinner	Mr. Young 76

Those who voted in the negative are—

Mr. Allison	Mr. Burt	Mr. Judd	Mr. Savage
Mr. Arnold	Mr. Fillmore	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. Austin	Mr. Fowler	Mr. W. M'Donald	Mr. Van Wyck
Mr. Barnett	Mr. J. Hall	Mr. M'Niel	Mr. Williamson
Mr. Bogert	Mr. Jones	Mr. Noble	Mr. Wyckoff
Mr. Brown			21

Thereupon,

Mr. Fillmore made a motion that the house should agree to reconsider its vote on concurring with the Senate in their amendments to the said bill.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93
NAYS 10}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Hubbell	Mr. H. D. Smith
Mr. Allison	Mr. Dyckman	Mr. Johnson	Mr. L. Smith
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. Soper
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. Speaker
Mr. Bacon	Mr. Efner	Mr. Mallory	Mr. Spier
Mr. Bailey	Mr. Eldridge	Mr. Mandeville	Mr. Stanton
Mr. C. Baker	Mr. Falley	Mr. Mann	Mr. Starr
Mr. E. Baker	Mr. Fillmore	Mr. Mathews	Mr. Tabor
Mr. Baragar	Mr. Fitch	Mr. M'Crea	Mr. Tailor
Mr. Barnet	Mr. Franklin	Mr. J. M'Donald	Mr. Teller
Mr. Bogert	Mr. P. C. Fuller	Mr. Mixer	Mr. Titus
Mr. Bostwick	Mr. W. K. Fuller	Mr. Morell	Mr. Tower
Mr. Boynton	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Gardner	Mr. Norton	Mr. P. Van Beuren
Mr. Cargill	Mr. Garnsey	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. Goodman	Mr. Partridge	Mr. Van Wyck
Mr. Case	Mr. J. Hall	Mr. Phoenix	Mr. Waring
Mr. Chandler	Mr. Hascall	Mr. Randall	Mr. Waugh
Mr. Collier	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hedges	Mr. Sanford	Mr. White
Mr. Dana	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Davenport	Mr. Holdridge	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Sloughter	Mr. Young
Mr. Defreest			93

Those who voted in the negative are—

Mr. Arnold	Mr. Fowler	Mr. W. M'Donald	Mr. T. L. Smith
Mr. Brown	Mr. Judd	Mr. Savage	Mr. Wyckoff
Mr. Burt	Mr. C. L. Livingston		10

Ordered, That the said bill be referred to the committee appointed under the 47th rule of this house.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to appoint commissioners to lay out a road in the town of Manheim in the county of Herkimer;" and that the said bill be committed to a select committee, consisting of Mr. Mann, Mr. Burt and Mr. Dygert, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act concerning marine insurance in the state of New-York;" and that the said bill be committed to a select committee, consisting of Mr. Dayton, Mr. Paige and Mr. Mallory, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to erect the town of Arkwright in the county of Chautauque;" and that the said bill be committed to a select committee, consisting of Mr. Mixer, Mr. Hazeltine and Mr. Armstrong, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several school districts of said town;" and that the said bill be committed to a select committee, consisting of Mr. Scott, Mr. Bostwick and Mr. Dean, to report the same complete.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to extend for a limited period the charter of the Union Bank in the city of New-York;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Columbia;" the engrossed bill entitled "An act to extend for a limited period the charter of the Jefferson County Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Albany;" the engrossed bill entitled "An act to extend for a limited period the charter of the Central Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Catskill Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Livingston County Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Ontario Bank;" the engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Chenango;" the engrossed bill entitled "An act to incorporate the president, directors and company of the National Bank in the city of New-York;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Buffalo;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of Catskill;" and the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady," and that the said bills are severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to relieve the county of Cayuga from the expenses of maintaining William L. Perce in the jail of said county;" the engrossed bill entitled "An act for the relief of the widow and children of James Usher;" the engrossed bill entitled "An act to extend the time for completing the Newtown turnpike road;" the engrossed bill entitled "An act concerning school districts number two and five in the town of Kinderhook;" and the engrossed bill entitled "An act to incorporate the Owasco and Erie canal company," and that the said bills are severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, That the Assembly be requested to return to the Senate, the bill to incorporate the Union society in the city of New-York.

Thereupon,

Ordered, That the clerk return the said bill to the Senate.

The engrossed bill entitled "An act to extend for a limited period the charter of the Middle District Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	17

Those who voted in the affirmative are—

Mr. Allison	Mr. Dean	Mr. Holdridge	Mr. Sheppard
Mr. Armstrong	Mr. Defreest	Mr. Hubbard	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Hubbell	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Ives	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Jones	Mr. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Judd	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. Keith	Mr. Spier
Mr. E. Baker	Mr. Fleming	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Barnett	Mr. Franklin	Mr. Mathews	Mr. Tabor

Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Garbutt	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. Goodman	Mr. Paige	Mr. Van Wyck
Mr. Carrier	Mr. Gosman	Mr. Phoenix	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Randall	Mr. Waugh
Mr. Chandler	Mr. Hammond	Mr. Redfield	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Sanford	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Scott	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Seeley	Mr. Young 92

Those who voted in the negative are—

Mr. Al Burtis	Mr. Edgerton	Mr. J. M'Donald	Mr. Titus
Mr. Bogert	Mr. Eldridge	Mr. Norton	Mr. J. Van Beuren
Mr. Cargill	Mr. Johnson	Mr. T. L. Smith	Mr. Williamson
Mr. Davenport	Mr. C. L. Livingston	Mr. Speaker	Mr. Wyckoff
Mr. Dyckman			17

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Oneida," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 90}
{NAYS 14}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Ives	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Dygert	Mr. Jones	Mr. Sheppard
Mr. Bacon	Mr. Efner	Mr. Keith	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. Mallory	Mr. Sloughter
Mr. C. Baker	Mr. Falley	Mr. Mandeville	Mr. H. D. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Fitch	Mr. M'Crea	Mr. Stanton
Mr. Barnett	Mr. Fleming	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. Fowler	Mr. W. M'Donald	Mr. Tabor
Mr. Bostwick	Mr. Franklin	Mr. M'Niel	Mr. Tailor
Mr. Boynton	Mr. P. C. Fuller	Mr. Mixer	Mr. Teller
Mr. Brinkerhoff	Mr. Garbutt	Mr. Morell	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Noble	Mr. P. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Norton	Mr. Waring
Mr. Carley	Mr. Goodman	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Graves	Mr. Partridge	Mr. Wheeler
Mr. Case	Mr. J. Hall	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hascall	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Sanford	Mr. Wyckoff
Mr. Davenport	Mr. Heermans	Mr. Savage	Mr. Young
Mr. Dayton	Mr. Hubbard		90

Those who voted in the negative are—

Mr. Allison	Mr. W. K. Fuller	Mr. L. Smith	Mr. Speaker
Mr. Dickson	Mr. Judd	Mr. T. L. Smith	Mr. Van Wyck
Mr. Dyckman	Mr. C. L. Livingston	Mr. Soper	Mr. Williamson
Mr. Edgerton	Mr. Mathews		14

The engrossed bill entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank in the city of Troy," was was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 16}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Holdridge	Mr. Savage
Mr. Arnold	Mr. Dean	Mr. Hubbard	Mr. Scott
Mr. Austin	Mr. Defreest	Mr. Hubbell	Mr. Sheppard
Mr. Bacon	Mr. Dygert	Mr. Ives	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. C. Baker	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. E. Baker	Mr. Falley	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr Fleming	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. Tabor
Mr. Boynton	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Teller
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Gardner	Mr. M'Niel	Mr. J. Van Beuren
Mr. Brown	Mr. Garnsey	Mr. Mixer	Mr. P. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Morell	Mr. Waring
Mr. Carley	Mr. Gosman	Mr. Noble	Mr. Waugh
Mr. Carrier	Mr. Graves	Mr. Norton	Mr. Wheeler
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Hascall	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Wyckoff
Mr. Dana	Mr. Heermans	Mr. Sanford	Mr. Young 92

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. Judd	Mr. Titus
Mr. Cargill	Mr. W. K. Fuller	Mr. Soper	Mr. Vanderbilt
Mr. Davenport	Mr. J. Hall	Mr. Speaker	Mr. Van Wyck
Mr. Dickson	Mr. Hedges	Mr. Tailor	Mr. Williamson 16

The engrossed bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94
NAYS 19}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Holdridge	Mr. Sanford
Mr. Armstrong	Mr. Dean	Mr. Hubbell	Mr. Savage
Mr. Arnold	Mr. Defreest	Mr. Ives	Mr. Scott
Mr. Austin	Mr. Dygert	Mr. Johnson	Mr. Seeley
Mr. Bacon	Mr. Efner	Mr. Jones	Mr. Sheppard
Mr. Bailey	Mr. Eldridge	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. E. Baker	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Barnett	Mr. Fleming	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. J. M'Donald	Mr. Taber
Mr. Boynton	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Garbutt	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Gardner	Mr. Mixer	Mr. P. Van Beuren
Mr. Brown	Mr. Garnsey	Mr. Morell	Mr. Waring
Mr. Burt	Mr. Goodman	Mr. Myers	Mr. Waugh
Mr. Carley	Mr. Graves	Mr. Norton	Mr. Wheeler
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. White
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. Willey
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. Williams
Mr. Collier	Mr. Hascall	Mr. Randall	Mr. Wyckoff
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Young
Mr. Dana	Mr. Heermans		94

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. Mathews	Mr. Titus
Mr. Cargill	Mr. W. K. Fuller	Mr. L. Smith	Mr. Vanderbilt
Mr. Davenport	Mr. Gosman	Mr. Soper	Mr. Van Wyck
Mr. Dickson	Mr. Hedges	Mr. Speaker	Mr. Williamson
Mr. Dyckman	Mr. Mann	Mr. Tailor	19

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Livingston County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 81}
{NAYS 31}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Davenport	Mr. Hubbard	Mr. Savage
Mr. Arnold	Mr. Dayton	Mr. Ives	Mr. Scott
Mr. Austin	Mr. Dean	Mr. Jones	Mr. Sheppard
Mr. Bacon	Mr Defreest	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. Fleming	Mr. Mandeville	Mr. Stanton
Mr. Barnet	Mr. Fowler	Mr. Mathews	Mr. Starr
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Tailor
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Teller
Mr. Boynton	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Bradish	Mr. Garnsey	Mr. Mixer	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Graves	Mr. Myers	Mr. Van Wyck

Mr. Carley	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hascall	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Hazeltine	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr Heermans	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Holdridge	Mr. Sanford	Mr. Young
Mr. Dana			81

Those who voted in the negative are—

Mr. Al Burtis	Mr. Edgerton	Mr. C. L. Livingston	Mr. T. L. Smith
Mr. Allison	Mr. Eldridge	Mr. Mann	Mr. Soper
Mr. E. Baker	Mr. Falley	Mr. W. M'Donald	Mr. Speaker
Mr. Brinkerhoff	Mr. Gosman	Mr. Noble	Mr. Titus
Mr. Cargill	Mr. Graham	Mr. Redfield	Mr. Vanderbilt
Mr. Dickson	Mr. J. Hall	Mr. Seeley	Mr. Wheeler
Mr. Dyckman	Mr. Hedges	Mr. Sloughter	Mr. Williamson
Mr. Dygert	Mr. Johnson	Mr. L. Smith	31

The engrossed bill entitled "An act to extend for a limited period the charter of the Jefferson County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	20

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Dean	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Defreest	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Dygert	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Barnet	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Boynton	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Brinkerhoff	Mr. Graham	Mr. Morell	Mr. P. Van Beuren
Mr. Brown	Mr. W. Hall	Mr. Myers	Mr. Vanderbilt
Mr. Burt	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Carley	Mr. Hascall	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Waugh
Mr. Case	Mr. Hedges	Mr. Randall	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Collier	Mr. Holdridge	Mr. Sanford	Mr. Willey
Mr. Curtiss	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Dana	Mr. Hubbell	Mr. Scott	Mr. Young 92

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Gosman	Mr. Phoenix
Mr. Bailey	Mr. Edgerton	Mr. Graves	Mr. T. L. Smith
Mr. Cargill	Mr. Eldridge	Mr. C. L. Livingston	Mr. Speaker
Mr. Davenport	Mr. Fitch	Mr. M'Crea	Mr. Tailor
Mr. Dickson	Mr. Fleming	Mr. Partridge	Mr. Williamson 20

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 104}
{NAYS 07}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hubbell	Mr. Scott
Mr. Allison	Mr. Dygert	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Eldridge	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Falley	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fleming	Mr. Mallory	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Barnett	Mr. W. K. Fuller	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Taber
Mr. Bradish	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. P. Van Beuren
Mr. Carley	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Carrier	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Case	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Chandler	Mr. W. Hall	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Hubbard	Mr. Savage	Mr. Young 104

Those who voted in the negative are—

Mr. Bogert	Mr. Dickson	Mr. Edgerton	Mr. Speaker
Mr. Cargill	Mr. Dyckman	Mr. T. L. Smith	7

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Columbia," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 99}
{NAYS 10}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dygert	Mr. Hubbard	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Hubbell	Mr. Skinner
Mr. Arnold	Mr. Falley	Mr. Ives	Mr. Sloughter
Mr. Austin	Mr. Fillmore	Mr. Johnson	Mr. H. D. Smith
Mr. Bacon	Mr. Fitch	Mr. Jones	Mr. L. Smith
Mr. C. Baker	Mr Fleming	Mr. Judd	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Lindsley	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. Mandeville	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mann	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. Mathews	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. J. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Garnsey	Mr. W. M'Donald	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. M'Niel	Mr. P. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Morell	Mr. Vanderbilt
Mr. Carley	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. Graves	Mr. Norton	Mr. Waugh
Mr. Case	Mr. J. Hall	Mr. Paige	Mr. Wheeler
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Haseall	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Sanford	Mr. Williamson
Mr. Dayton	Mr. Hedges	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Heermans	Mr. Scott	Mr. Young
Mr. Defreest	Mr. Holdridge	Mr. Seeley	99

Those who voted in the negative are—

Mr. Bogert	Mr. Dickson	Mr. Mixer	Mr. T. L. Smith
Mr. Cargill	Mr. Dyckman	Mr Myers	Mr. Speaker
Mr. Davenport	Mr. Edgerton		10

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Central Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 102}
{NAYS 09}

Those who voted in the affirmative are—

Mr. Allison	Mr. Eldridge	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Fillmore	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Fitch	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mandeville	Mr. Soper
Mr. Baragar	Mr. P. C. Fuller	Mr. Mann	Mr. Spier
Mr. Barnett	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Taber
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Niel	Mr. Teller

Mr. Brown	Mr. Gosman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Morell	Mr. J. Van Beuren
Mr. Carley	Mr. Graves	Mr. Myers	Mr. P. Van Beuren
Mr. Carrier	Mr. J. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Case	Mr. W. Hall	Mr. Norton	Mr. Van Wyck
Mr. Chandler	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dayton	Mr. Heermans	Mr. Sanford	Mr. Williamson
Mr. Dean	Mr. Holdridge	Mr. Savage	Mr. Wyckoff
Mr. Defreest	Mr. Hubbard	Mr. Scott	Mr. Young
Mr. Dygert	Mr. Hubbell		102

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dickson	Mr. Edgerton	Mr. T. L. Smith
Mr. Cargill	Mr. Dyckman	Mr. C. L. Livingston	Mr. Speaker
Mr. Davenport			9

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Catskill Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 102}
{NAYS 08}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Allison	Mr. Dygert	Mr. Jones	Mr. Sheppard
Mr. Armstrong	Mr. Eldridge	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Austin	Mr. Fillmore	Mr. Mallory	Mr. H. D. Smith
Mr. Bacon	Mr. Fitch	Mr. Mandeville	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mann	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. M'Crea	Mr. Stanton
Mr. Barnett	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Teller
Mr. Brinkerhoff	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Graham	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. Graves	Mr. Paige	Mr. Van Wyck
Mr. Case	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Sanford	Mr. Williamson
Mr. Davenport	Mr. Holdridge	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Scott	Mr. Young
Mr. Dean	Mr. Hubbell		102

Those who voted in the negative are—

Mr. Bailey	Mr. Dickson	Mr. Edgerton	Mr. T. L. Smith
Mr. Cargill	Mr. Dyckman	Mr. C. L. Livingston	Mr. Speaker 8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Ontario Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 103
NAYS 09

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hubbard	Mr. Scott
Mr. Allison	Mr Defreest	Mr. Ives	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Eldridge	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Mixer	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Graham	Mr. Myers	Mr. Vanderbilt
Mr. Carley	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Partridge	Mr. Willey
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. Williams
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Williamson
Mr. Dana	Mr. Hedges	Mr. Redfield	Mr. Wyckoff
Mr. Davenport	Mr Heermans	Mr. Sanford	Mr. Young
Mr. Dayton	Mr. Holdridge	Mr. Savage	103

Those who voted in the negative are—

Mr. Bogert	Mr. Dyckman	Mr. Gosman	Mr. Speaker
Mr. Cargill	Mr. Edgerton	Mr. C. L. Livingston	Mr. Teller
Mr. Dickson			9

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Chenango," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 107
NAYS 08}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hubbard	Mr. Seeley
Mr. Allison	Mr. Dygert	Mr. Hubbell	Mr. Sheppard
Mr. Armstrong	Mr. Efner	Mr. Ives	Mr. Skinner
Mr. Arnold	Mr. Eldridge	Mr. Johnson	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Spier
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Stanton
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Starr
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Taber
Mr. Bostwick	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Mixer	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. P. Van Beuren
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Vanderbilt
Mr. Carley	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. Graves	Mr. Norton	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Partridge	Mr. White
Mr. Collier	Mr. Hammond	Mr. Phoenix	Mr. Willey
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Young
Mr. Dean	Mr. Holdridge	Mr. Scott	107

Those who voted in the negative are—

Mr. Bogert	Mr. Dickson	Mr. Edgerton	Mr. T. L. Smith
Mr. Cargill	Mr. Dyckman	Mr. C. L. Livingston	Mr. Speaker 8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Buffalo," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit;

{AYES 98
NAYS 15}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dean	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. Sheppard
Mr. Austin	Mr. Efner	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. Fleming	Mr. Mann	Mr. Soper
Mr. Baragar	Mr. Fowler	Mr. Mathews	Mr. Spier

Mr. Barnett	Mr. Franklin	Mr. M'Crea	Mr. Starr
Mr. Bogert	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Tower
Mr. Brinkerhoff	Mr. Garnsey	Mr. Morell	Mr. J. Van Beuren
Mr. Brown	Mr. Goodman	Mr. Myers	Mr. P. Van Beuren
Mr. Burt	Mr. J. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. Hascall	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Curtiss	Mr. Holdridge	Mr. Sanford	Mr. Wyckoff
Mr. Dana	Mr. Hubbard	Mr. Savage	Mr. Young
Mr. Dayton	Mr. Hubbell		98

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hedges	Mr. Van Wyck
Mr. Cargill	Mr. Edgerton	Mr. C. L. Livingston	Mr. Waugh
Mr. Davenport	Mr. Gosman	Mr. Speaker	Mr. Williamson
Mr. Dickson	Mr. Graham	Mr. Stanton	15

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 71}
{NAYS 43}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Mandeville	Mr. L. Smith
Mr. Arnold	Mr. Dean	Mr. M'Crea	Mr. Soper
Mr. Austin	Mr. Fillmore	Mr. J. M'Donald	Mr. Spier
Mr. C. Baker	Mr. Fitch	Mr. W. M'Donald	Mr. Stanton
Mr. E. Baker	Mr. Fowler	Mr. M'Niel	Mr. Starr
Mr. Baragar	Mr. Franklin	Mr. Morell	Mr. Taber
Mr. Barnet	Mr. P. C. Fuller	Mr Myers	Mr. Teller
Mr. Bogert	Mr. Gardner	Mr. Noble	Mr. Tower
Mr. Bostwick	Mr. Garnsey	Mr. Norton	Mr. J. Van Beuren
Mr. Boynton	Mr. W. Hall	Mr. Paige	Mr. P. Van Beuren
Mr. Bradish	Mr. Hammond	Mr. Randall	Mr. Waring
Mr. Brinkerhoff	Mr. Hascall	Mr. Redfield	Mr. Wheeler
Mr. Burt	Mr. Hubbard	Mr. Sanford	Mr. White
Mr. Carrier	Mr. Hubbell	Mr. Savage	Mr. Willey
Mr. Chandler	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Collier	Mr. Jones	Mr. Sheppard	Mr. Wyckoff
Mr. Curtiss	Mr. Lindsley	Mr. Skinner	Mr. Young
Mr. Dana	Mr. Mallory	Mr. H. D. Smith	71

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dygert	Mr. Hazeltine	Mr. Phoenix
Mr. Allison	Mr. Edgerton	Mr. Hedges	Mr. Seeley
Mr. Bailey	Mr. Efner	Mr. Heermans	Mr. Sloughter
Mr. Brown	Mr. Eldridge	Mr. Holdridge	Mr. T. L. Smith
Mr. Cargill	Mr. Falley	Mr. Johnson	Mr. Speaker
Mr. Carley	Mr. W. K. Fuller	Mr. Judd	Mr. Tailor
Mr. Case	Mr. Garbutt	Mr. C. L. Livingston	Mr. Vanderbilt
Mr. Davenport	Mr. Goodman	Mr. Mann	Mr. Van Wyck
Mr. Defreest	Mr. Gosman	Mr. Mathews	Mr. Waugh
Mr. Dickson	Mr. Graham	Mr. Mixer	Mr. Williamson
Mr. Dyckman	Mr. J. Hall	Mr. Partridge	43

The engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of Catskill," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 76}
{NAYS 34}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Jones	Mr. Skinner
Mr. Arnold	Mr. Defreest	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Eldridge	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. M'Crea	Mr. Stanton
Mr. Barnett	Mr. Franklin	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Bostwick	Mr. Garbutt	Mr. Morell	Mr. Teller
Mr. Boynton	Mr. Gardner	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. Norton	Mr. J. Van Beuren
Mr. Burt	Mr. Graves	Mr. Paige	Mr. P. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Phoenix	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Randall	Mr. Wheeler
Mr. Case	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Collier	Mr. Heermans	Mr. Sanford	Mr. Willey
Mr. Curtiss	Mr. Holdridge	Mr. Savage	Mr. Williams
Mr. Dana	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr. Dayton	Mr. Ives	Mr. Sheppard	Mr. Young 76

Those who voted in the negative are—

Mr. Al Burtis	Mr. Edgerton	Mr. C. L. Livingston	Mr. L. Smith
Mr. Allison	Mr. Falley	Mr. Mann	Mr. T. L. Smith
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. Mathews	Mr. Speaker
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Chandler	Mr. Goodman	Mr. Mixer	Mr. Vanderbilt
Mr. Davenport	Mr. Graham	Mr. Noble	Mr. Van Wyck
Mr. Dickson	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Dyckman	Mr. Hedges	Mr. Scott	Mr. Williamson
Mr. Dygert	Mr. Johnson		34

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

Mr. Dickson offered for the consideration of the house, a resolution, in the words following, to wit :

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of Catskill."

Ordered, That the said resolution be laid upon the table.

Mr. T. L. Smith offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady."

Ordered, That the said resolution be laid upon the table.

Mr. Brinkerhoff offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Livingston County Bank."

Ordered, That the said resolution be laid upon the table.

The engrossed bill from the Senate, entitled "An act relative to the imprisonment within the city and county of New-York, of female convicts adjudged to be confined in the state prison," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act to incorporate the Brooklyn collegiate institute for young ladies," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate Manhattan college," and the bill entitled "An act authorising certain town officers of the town of Augusta in the county of Oneida, to compromise with Elijah Shepard junior, and Elisha Mayo, sureties of Joseph Harrison, collector of said town;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate Manhattan college," was referred to a select committee, consisting of Mr. Judd, Mr. P. Van Beuren and Mr. Carrier; and the bill entitled "An act authorising certain town offices of the town of Augusta in the county of Oneida, to compromise with Elijah Shepard junior and Elisha Mayo, sureties of Joseph Harrison, collector of said town," was referred to a select committee, consisting of Mr. Johnson, Mr. White and Mr. Fleming, severally to consider and report thereon.

The Senate returned by their clerk, the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825;" the bill entitled "An act to establish a high school at Newburgh;" and the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813."

Ordered, That the clerk deliver the said bills to the acting Governor.

Eighteen several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to extend for a limited period the charter of the Farmers' Bank;"

the bill entitled "An act to extend for a limited period the charter of the New-York State Bank;" the bill entitled "An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings;" the bill entitled "An act authorising Thomas Garvie to erect a wharf in the town of Oyster-bay in the county of Queens;" the bill entitled "An act for the relief of Bradford Howland;" the bill entitled "An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned, by the people of this state,' passed March 10th, 1827;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Saratoga Springs,' passed April 17th, 1826;" the bill entitled "An act to incorporate the Rome and Vienna turnpike company;" the bill entitled "An act to give effect to the revised statutes relating to the county courts in the county of Genesee;" the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 2d, 1822;" the bill entitled "An act concerning the Watervliet turnpike company;" the bill entitled "An act to divide the town of Clymer in the county of Chautauque;" the bill entitled "An act authorising the Philipstown turnpike road company to abandon a part of their road;" the bill entitled "An act to amend an act entitled 'An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo high school association;'" the bill entitled "An act to incorporate the Bethpage turnpike company in the county of Queens;" the bill entitled "An act to authorise the board of supervisors of the county of Genesee in their discretion to raise certain monies for the purpose of building roads and bridges;" and the bill entitled "An act for the appointment of commissioners to perform certain duties of a justice of the supreme court in the county of Seneca and in the eastern jury district of the county of Tioga, and for other purposes," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed April 12th, 1825;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend an act entitled 'An act to incorporate the president, directors and company of the Fulton Bank of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Otsego County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Saratoga County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the

committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported progress, and asked for leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

THURSDAY, APRIL 23, 1829.

The House met pursuant to adjournment.

Mr. Mann, from the committee on claims, to which was referred the petition of the heirs and representatives of Joseph Hubbard deceased, a revolutionary soldier, praying for the passage of a law to grant to them certain lands, asked for leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Mann, according to leave, brought in the said bill, entitled "An act to grant certain lands to the heirs of Joseph Hubbard, a revolutionary soldier;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skinner, from the committee on colleges, academies and common schools, to whom was referred the memorial of the Infant school society in the city of New-York, reported:

That this society was formed by a number of ladies in the city of New-York, in May, 1827, for the purpose of protecting and educating the children of the laboring poor of the city, from the age of eighteen months to six years. The petitioners state, that they have registered 510 scholars since the commencement of their school, and many very interesting facts are set forth, shewing the great variety of accidents to which children of this age and class are exposed, during the necessary absence of their parents for the day, to procure the means of support. They are already provided with funds to support the school now in operation, but are anxious to establish others upon the same plan in different parts of the city, and they ask for a share of the public school fund, or that other means may be granted them for the purpose of extending more widely the blessings of this noble charity, and of securing upon a permanent foundation, the stability of institutions so well calculated to alleviate the condition of the laboring poor, to train their children to habits of virtue and industry. and to fasten upon the first buddings of the infant mind, those moral and religious impressions which afford the only safeguard against the seductions of vice and the temptations to crime.

The simple statement of what has been done by this interesting association, affords the most impressive evidence of the value of these institutions, and reflects the most cheering light upon the motives which originated and the benevolence which has sustained it. The characteristic benevolence of the female character has rarely been drawn out in forms more attractive, or in labors more productive of happiness and of hope. The children of the poor, the ignorant and the abandoned, have been sought out from the lanes and alleys, from the abodes of poverty and wretchedness, by that charity which "suffereth long and is kind, which beareth all things, and which seeketh not her own," and clothed and protected, and the rudiments of learning and the maxims of wisdom and virtue, have been impressed upon their minds and hearts.

It is believed that the infant and sabbath schools are among the most efficient means of terminating the evils of poverty, vice and crime, which fill up the picture of misery, and swell the lists of the despairing tenants of prisons and almshouses in our populous cities. From these institutions spring those streams which carry through every vein and artery of society a most benevolent and healthful influence.

The first infant school was established in the city of London, in the year 1819, and so convincing have been the proofs of its usefulness, that more than two hundred were established in different parts of England in 1826 and 1827.

Since the establishment of the school from which this petition comes, similar schools have been set up in Albany, Hartford and Boston, and in most of our cities and large towns, and thus are justly reckoned among the most obvious means of doing good in the circle of benevolent institutions, which the piety and charity of the age has created.

The mode of instruction adopted in these schools, is suited to the age and capacities of the children, and is admirably calculated to arrest and secure their attention, and to call forth their utmost energies. The schools exhibit an appearance of animation and industry, a devotedness of feeling and of purpose to the business in which they are engaged, which, on the part of children so young, presents a scene altogether new, and of a character the most interesting and impressive, and demonstrates that the mind is susceptible of cultivation and of very considerable attainments in knowledge, at an age earlier than the minimum adopted in the law regulating the distribution of the public school monies.

But while the committee are thus sensible of the advantages of infant schools, and believe them eminently useful, and to present a new and interesting field for the exertions and charities of the benevolent, they have not felt at liberty to alter a mode of distributing the public money, which has been long established, and which operates with entire uniformity and equality thoughout the state; and as they have not been able to discover any other means which can be consistently applied to the object, they have directed their chairman to submit the following resolution.

Resolved, That the petitioners have leave to withdraw their petition.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the usual number of copies of the said report and resolution be printed for the use of the legislature.

Mr. Hubbell, from the committee on expiring laws, who, by a resolution of this house, were directed to inquire into the expediency of repealing all laws authorising the sale of lottery tickets, and to ascertain, if practicable, what sums are due to the institutions, or their agents, for whose benefit such lotteries were granted, and to report their opinion upon the expediency of making provision for the payment of such sums as may be due to said institutions, or their agents, out of the treasury of this state, reported:

That the various inquiries directed to be made by the above recited resolutions, have rendered it necessary for the committee to examine numerous acts of the legislature, and other public documents relating to the subject of lotteries authorised by the laws of the state.

It is not now a question whether lotteries are pernicious in their tendency, and unworthy of legislative support; the resolution directing the present inquiry, seems based on the admission that lotteries are pernicious, and that it is desirable, if practicable, to put an immediate termination to their existence in this state.

The expedient of raising money for various objects of public interest by lotteries, was early resorted to by the legislatures of this state; and under the imposing titles of "An act for the encouragement of literature"; "An act to enable the mayor, aldermen, and commonalty of the city of Albany to dispose of their public lands by lottery"; "An act to provide for the erection of a fever hospital in the city of New-York," and the like, large sums of money have at different times been raised by lotteries, which, to say the least of them, are, in

language of the late Governor Clinton, "dubious in the eye of morality, and certain in the most pernicious results."

No more decisive evidence of the light in which lotteries are now viewed by the wisest men of the present day, can be furnished than the fact, that the convention who revised the constitution of this state, deemed it necessary to incorporate into that fundamental law of the land, an article declaring that no lottery should thereafter be authorised by the legislature, and requiring laws to be passed prohibiting the sale of tickets in lotteries not already provided for. It then becomes an interesting inquiry, how long may the lotteries already provided for be continued?

It appears that all lotteries granted previous to the 13th of April, 1814, have been drawn. By an act entitled "An act for the promotion of literature," passed April 13, 1814, the sum of $274,000 is directed to be raised for the benefit of the following institutions, viz:

For Union college, in the whole,.....	$200.000
" Hamilton college, ...	40,000
" For the college of physicians and surgeons in the city of New-York, ...	30,000
" the African Asbury church in the city of New-York,.....	4,000

It also appears, that from the time of passing this act, until the year 1822, owing to delays in drawing previous lotteries, and to losses from frauds and other causes in drawing the lotteries under this act, the institutions for whose benefit the lotteries were established, had received less than the interest on the grants made to them under the said act of the 13th April, 1814; and on the 9th April, 1822, it appears from the certificate of the comptroller, filed in the office of the secretary of state, there was due to the several institutions interested in the Literature lotteries, the sum of $322.256 81.

On the 5th of April, 1822, an act was passed, entitled "An act to limit the continuance of lotteries," by which the responsibility and power of the state in the management of the Literature lotteries, were transferred to the institutions interested therein, and their agents and contractors; and the said institutions, by accepting that grant, assumed the management and became, responsible for the payment of prizes and the hazard of losses in the said lotteries.

This grant to the institutions was made with two conditions or limitations:

1. The time in which they were to raise the money due to them, was limited, and was to be fixed by the comptroller's certificate, who was instructed by the terms of the law, to take as a rule for his computation of the time in which the institutions were required to raise the said money, the average nett sum which had annually been raised by lottery for the then preceding five years in this state, and the institutions were to be allowed a proportionate time to raise the sum due to them.

2. The annual average amount of tickets, according to their scheme price, in all lotteries thereafter to be drawn under the said act, during the term of years fixed by the comptroller, should not exceed the annual average amount of tickets according to their scheme price in the lotteries already drawn within this state, during the five years immediately preceding the first day of January, one thousand eight hundred and twenty-two, which amount was to be ascertained by the comptroller, and a certificate thereof filed with the secretary of state. The said institutions were also required to furnish the comptroller a certified copy of the amount of tickets at their scheme price, in all classes thereafter to be drawn, that the same might be filed in the office of the secretary of state. It was also provided by the said act, that so soon as the whole amount of tickets at their scheme price authorised by the said act, should be sold and drawn, the authority therein granted to said institutions, should cease, *though the time fixed by the comptroller in his certificate, might not have expired;* and that the said institutions should make report annually of the avails of said lottery, after deducting the expense of managing the same, to the Regents of the University.

The institutions interested in the Literature lotteries, severally filed with the secretary of state their acceptance of the provisions of the act above mentioned, and in pursuance of the provisions of the act, the comptroller filed his certificate, bearing date the 9th day of April, 1822, stating the amount then due the said institutions, to be three hundred and twenty-two thousand, two hundred and fifty-six dollars and eighty-one cents, and fixing the time in which the same should be raised by the institutions, at eleven years. The institutions did not file their acceptance of the terms of this act. until April 21st, 1823, which would extend the drawing of the Literature lottery to April, 1834.

It also appears, that in order to avail themselves of the terms offered by the said act of the 5th of April, 1822, the trustees of Union college were compelled to purchase of the other institutions interested in the Literature lottery, their interest therein, and by such purchase, the trustees of Union college became entitled to the whole of the several sums to be raised by the act for the promotion of literature. The said trustees also purchased the grant to the Historical society of twelve thousand dollars, to be drawn after the closing of the Literature lotteries.

The trustees of Union college, on or about the first of April, 1823, entered into a contract with John B. Yates and Archibald M'Intyre, by which they conveyed to the said Yates and M'Intyre, their interest in the said lotteries, in consideration of the sum of two hundred and seventy-six thousand and ninety $\frac{14}{100}$ dollars; for which Yates and M'Intyre gave their obligation to the said trustees. The said trustees being eventually responsible for the payment of the prizes, in case the said Yates and M'Intyre should fail to pay them, and the said Yates and M'Intyre to receive the whole avails of the said lotteries.

By an act passed 24th March, 1823, entitled "An act to authorise and provide for the erection of a fever hospital in the city of New-York," in consideration of the sum of forty thousand dollars, to be paid into the treasury of the state, and that a fever hospital should be erected within six months for the city of New-York, the state granted to the city of New-York the whole amount of money then authorised to be raised, with the interest thereon, for reimbursing to the treasury losses on former classes of the literature lottery, with power to sell the same, upon condition, however, that the city of New-York, or their assigns, should not issue any schemes therein, until the expiration of the time fixed as aforesaid by the comptroller, for the drawing of the Literature lottery; and after that time, they were to be allowed the same proportional time and terms, as were granted to the institutions for the Literature lottery. The amount of this grant to the city of New-York, was, on the 6th April, 1814, sixty thousand seven hundred and sixty dollars and thirty-four cents, as appears by the books of the comptroller; and the same was by said city sold to the said Yates and M'Intyre. By the mode of computation settled by the aforesaid act, and fixed by the certificate of the comptroller, the drawing of this last lottery, together with the Historical society lottery, would extend something more than four years beyond the year 1834, the time fixed for the closing of the Literature lottery.

By an act passed April 14th, 1820, entitled "An act to enable the mayor, aldermen and commonalty of the city of Albany, to dispose of their public lands by lottery," a lottery was granted to the city of Albany, the prizes to be payable in land; and by an act passed April 13th, 1826, the city of Albany was authorised to contract with the owners or agents of the literature and fever hospital lotteries, to draw the land lottery in connexion with the others, and to mix the prizes as they should think proper, such land prizes not to exceed two hundred and fifty thousand dollars: And provided also, that all the then existing lotteries should be closed within the time then allowed for the drawing of the literature and fever hospital lotteries, as ascertained by the comptroller. This land lottery was also bought by the said Yates and M'Intyre, who then became the proprietors of all the lotteries authorised to be drawn in this state. And by the last mentioned act, they were discharged from the duty of reporting the amount of tickets sold by them each year, except the amount of land inserted in each scheme, which they are required to exhibit to the Attorney-General and

Comptroller, and obtain their assent to the scheme. The time limited for mixing land with money prizes, is confined to the term fixed for closing the literature lottery, and does not extend to the fever hospital lottery.

The state having thus parted with its power to control the said lotteries, and discharged the assignees from their duty to account for their annual progress, the committee have no means of determining what progress has been made in drawing the said lotteries, except from the reports which the literary institutions interested in them are required to make to the Regents of the University. The trustees of Union college having bought out the rights of the other institutions, have reported to the Regents, and by their reports it appears that in January last, there was due to the said college, on the obligation of Yates and M'Intyre, the sum of $143,516 58, which had been due, and no payments made for two years, owing, as the committee are informed, to heavy losses sustained by Yates and M'Intyre in the sale of tickets.

From these returns it appears, that although the grant to Union college by the act of the 13th April, 1814, was a liberal one, $143,516 58 of that grant has not yet been realized by the college.

In reviewing this brief statement of the present condition of the lotteries and the persons interested in them, there is no room to doubt but that the institutions and their assigns have obtained vested rights, secured by repeated acts of the legislature, in the nature of contracts, by which the faith of the state is plighted; and which rights cannot now be divested by repealing the acts by which they were granted and confirmed.

Previous to the act of the 13th of April, 1826, the institutions were required to report the amount of tickets at the scheme price, sold in each year; which as appears by the Comptroller's certificate, fixing the average amount sold for the five years preceding the first of January, 1822, ought not to exceed about $395,800 in each year; but from the returns made by the institutions, it appears that from the 20th of May, 1823, to the 30th of August, 1826, there were drawn tickets amounting, at the scheme price, to $2,743,793 38, being more than double the amount authorised by the act to be sold within that time; and yet the sum acknowledged by the institutions to have been received during that time, as the avails of the lottery, amounts, exclusive of interest, to only $132,573 56; this deficiency in the proceeds of the lottery is owing, it is said, to losses and expenses incurred in drawing the same.

By the reports made to the Regents in 1828 and 1829, it appears that no payments were made in those years by the contractors, Yates and M'Intyre, to the institution, (Union college,) the proceeds of the lottery having been applied, as is said, to the payment of previous losses and expenses.

What amount of tickets has been sold since the 30th of August, 1826, the committee have no means of ascertaining, no report being now required.

The committee feel constrained to remark, that many parts of the acts before mentioned, relative to these lotteries, are drawn with singular obscurity; and the meaning of some of them is very difficult to be determined.

It is apparent, however, from these acts, that it was not designed by the legislature to suffer any greater amount of tickets to be sold than was necessary to raise the several sums authorised to be raised by the acts appointing the lotteries. And although the present proprietors are expressly released by the last mentioned act, from making an annual report of the progress made by them, the committee cannot doubt but that the said contractors may be called upon to answer in such a manner that they would be compelled to disclose the true state of their progress in drawing these lotteries, provided there was any reason to suspect that they were raising a larger sum than that authorised by law. Until they are so called upon, the committee see no security, except the integrity of the contractors, against their raising an indefinite amount by these lotteries, during the time in which they are authorised to continue them; but the committee would do injustice not to remark, that they have no reason to suspect that the contractors have yet raised a larger sum than they are authorised to raise, or that they have any intention to do so.

The committee have had communications from the contractors, Yates and M'Intyre, in which they express a willingness to surrender their rights in the lotteries to the state, upon receiving the amount yet to be raised: but as there is yet in arrear, besides the balance due to Union college, the whole of the fever hospital lottery, amounting to something more than $100,000, and also a part of the Albany land lottery, the committee do not believe that the state will be disposed, in the present state of its finances, to advance such a sum, although the evil of lotteries is felt to be a very great one.

The contractors being themselves desirous, as they assure the committee, of bringing the whole to a close, have submitted a stipulation, which is in these words:

"Whereas, by the various acts relative to the lotteries of this state, and the contracts with the institutions and assignees of the various grants, the time granted for conducting the Literature and Albany land lotteries, will terminate on the 16th of April, 1836, and the lottery for the sum granted to the city of New-York, the consideration for which has been paid into the treasury, viz. forty thousand dollars, will be extended for an indefinite time within the limit of between four and five years beyond that period: And whereas an anxiety has been expressed by a great many individuals in the community, that as early a period should be put to the use of lotteries, as a mean of raising money, as possible, compatible with the rights of the parties interested in them: Desirous also, on our part, to comply with the wishes of so highly respectable a portion of community, so far as we are enabled to do so, with a due regard to our pecuniary safety and performance of our contract—we declare, if we shall be permitted to continue the lotteries unmolested by proceedings of any sort, unless for any charge of misconduct in the management of lotteries, until the end of the year 1835, that we will surrender all our right to the remainder of the term of time which shall then be left for the Literature and Albany lotteries, and the whole of the time which would thereafter be allowed to raise the money for what is termed the Fever Hospital grant: But inasmuch as every attack upon our rights has proved a serious injury, we feel justified in making the declaration, that if we are constrained to sustain the expense and perplexity of litigation to retain our rights, we shall need the whole time given us by the laws, without a surrender of any portion of it, in order to indemnify ourselves, we being now the assignees, and holding in our own right, all the grants of this description in the state of New-York, having paid the whole sum to the corporation of the city of New-York, and the treasury of the state for the last grant, and paid or contracted to pay the whole sums to be received by the institutions and the corporation of the city of Albany.

"YATES & M'INTYRE.

"New-York, March 24th, 1829."

This stipulation is deposited with the committee, for the purpose of being filed with the secretary of state, provided the legislature, by an act or joint resolution, shall accept the terms of the stipulation, and order it so to be filed.

In the opinion of the committee, it is a matter of importance that the public mind should be settled on the subject of the termination of the lotteries in this state, and that it should be generally known that the time for their termination is definitely fixed; and as, by the terms of the stipulation, the contractors must close their lotteries at least four years sooner than, by the existing laws, they would be required to do, the committee believe that the public interest requires that the stipulation should be accepted, and be made binding by the legislature; at the same time, guarding against granting, either expressly or by implication, any further privileges to the contractors than are required by the stipulation.

With this view, and the session having so far advanced as to render the passing of an act for the purpose very difficult, the following concurrent resolution is submitted:

Resolved, That the legislature hereby accepts the stipulation of Yates and M'Intyre, set forth in the foregoing report, and that the same be filed with the

secretary of state; but the said Yates & M'Intyre shall not hereby be authorised to continue any lottery held by them for a longer period than they are now authorised by law to continue it, or to raise a greater sum of money by any such lottery than they are now authorised by law to raise.

Ordered, That the said report and resolution be laid upon the table, and that the usual number of copies thereof be printed for the use of the legislature.

Mr. Al Burtis, from the select committee to which was referred the petition of P. W. Engs and others, reported:

That the petitioners represent that a large proportion of sales made by commission merchants, are guaranteed by them: That from the course of business, this must be done not only by old and well established houses, but by those doing a moderate business, and who have but a small capital; and that any considerable loss the young and enterprising merchant sustains, is attended with ruin to himself and loss to the employer.

The committee conceive that persons would gladly avail themselves of the facilities afforded by a responsible public institution, which could afford to take the risk upon themselves for a moderate compensation; and that the effect would be to afford to each a small profit, and reduce trade between strangers to a certainty.

The committee are of the opinion that an institution of the character prayed for by the petitioners, would be mutually advantageous to the purchaser and vendor of commodities. Strangers from the country and from neighbouring states, might ascertain with certainty whether the purchasers of their property were persons of such credit that their contracts might be counted upon as good, by application to such an institution, before parting with the title of their property; and they would thus be enabled to calculate with a degree of certainty upon their business, and avoid the expenses arising from commissions, storage, and other accidental charges.

The committee cannot perceive any harm that can result from such a company, but on the contrary, that it may be an institution of great usefulness; are of the opinion that their prayer ought to be granted. They have prepared a bill accordingly, and instructed their chairman to ask leave to bring in the same.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the Guarantee company of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Judd, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate Manhattan college," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Thereupon,

Mr. Mann made a motion that the house should agree to refer the said bill to the board of regents of the university of this state, to report thereon.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	80
AYES	31

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Defreest	Mr. Heermans	Mr. Savage
Mr. Armstrong	Mr. Dickson	Mr. Hubbell	Mr. Scott
Mr. Bailey	Mr. Dyckman	Mr. Ives	Mr. Sheppard
Mr. C. Baker	Mr. Edgerton	Mr. Jones	Mr. Sill
Mr. E. Baker	Mr. Fillmore	Mr. Judd	Mr. H. D. Smith
Mr. Baragar	Mr. Fleming	Mr. Keith	Mr. T. L. Smith
Mr. Barnett	Mr. Fowler	Mr. Lindsley	Mr. Soper

Mr. Bogert	Mr. Franklin	Mr. C. L. Livingston	Mr. Speaker	
Mr. Boynton	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier	
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Starr	
Mr. Brown	Mr. Gardner	Mr. J. M'Donald	Mr. Taber	
Mr. Cargill	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor	
Mr. Carley	Mr. Goodman	Mr. M'Niel	Mr. Teller	
Mr. Carrier	Mr. Graves	Mr. Mixer	Mr. J. Van Beuren	
Mr. Case	Mr. J. Hall	Mr. Morell	Mr. P. Van Beuren	
Mr. Curtiss	Mr. W. Hall	Mr. Myers	Mr. Van Wyck	
Mr. Dana	Mr. Hammond	Mr. Norton	Mr. Waugh	
Mr. Davenport	Mr. Hascall	Mr. Partridge	Mr. Williams	
Mr. Dayton	Mr. Hazeltine	Mr. Randall	Mr. Wyckoff	
Mr. Dean	Mr. Hedges	Mr. Sanford	Mr. Young	80

Those who voted in the affirmative are—

Mr. Arnold	Mr. Efner	Mr. Mathews	Mr. Stanton	
Mr. Austin	Mr. Falley	Mr. Noble	Mr. Titus	
Mr. Bacon	Mr. Fitch	Mr. Paige	Mr. Tower	
Mr. Bostwick	Mr. W. K. Fuller	Mr. Redfield	Mr. Wheeler	
Mr. Burt	Mr. Holdridge	Mr. Seeley	Mr. White	
Mr. Chandler	Mr. Hubbard	Mr. Skinner	Mr. Willey	
Mr. Collier	Mr. Johnson	Mr. Sloughter	Mr. Williamson	
Mr. Dygert	Mr. Mann	Mr. L. Smith		31

Thereupon,

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Mixer, from the select committee to which was referred the bill entitled "An act to erect the town of Arkwright in the county of Chautauque," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to incorporate the Chautauque steam-boat company," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mann, from the select committee to which was referred the bill entitled "An act to appoint commissioners to lay out a road in the town of Manheim in the county of Herkimer," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. White, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising certain town officers of the town of Augusta in the county of Oneida, to compromise with Elijah Shepard junior, and Elisha Mayo, sureties of Joseph Harrison, collector of said town," reported, that they have examined the said bill, and recommend that it be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Cooperstown, Schoharie and Durham turnpike company;" and that the said bill be committed to a select committee, consisting of Mr. Austin, Mr. Efner and Mr. Burt, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay over certain monies to the commissioners of common schools in said town;" and that the said bill be committed to a select committee, consisting of Mr. H. D. Smith, Mr. Sanford and Mr. White, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorise John Shields to change his name;" the bill entitled "An act changing the name of David E. Harris;" and the bill entitled "An act to change the name of Edmund Day;" and that the said several bills be referred to a select committee, consisting of Mr. Curtiss, Mr. Edgerton and Mr. C. Baker, to report the same complete.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Clinton insurance company in the city of Albany;" and that the said bill be committed to a committee of the whole when on the bills for the renewal of bank charters and the incorporation of banks.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend so much of the first part of the revised statutes as relates to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan;" and that the said bill be committed to a select committee, consisting of Mr. Lindsley, Mr. Soper and Mr. Armstrong, to report the same complete.

The house then proceeded to the consideration of the resolution offered by Mr. Brinkerhoff; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Livingston County Bank."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	11

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Defreest	Mr. Jones	Mr. Sheppard	
Mr. Armstrong	Mr. Dickson	Mr. Judd	Mr. Sill	
Mr. Arnold	Mr. Efner	Mr. Keith	Mr. Skinner	
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith	
Mr. Bacon	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith	
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. Soper	
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Spier	
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Stanton	
Mr. Baragar	Mr. Franklin	Mr. M'Crea	Mr. Starr	
Mr. Barnet	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Taber	
Mr. Bogert	Mr. Garbutt	Mr. W. M'Donald	Mr. Teller	
Mr. Bostwick	Mr. Gardner	Mr. M'Niel	Mr. Titus	
Mr. Boynton	Mr. Garnsey	Mr. Mixer	Mr. Tower	
Mr. Bradish	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren	
Mr. Brown	Mr. Graves	Mr. Myers	Mr. P. Van Beuren	
Mr. Burt	Mr. W. Hall	Mr. Norton	Mr. Van Wyck	
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Waring	
Mr. Carrier	Mr. Hascall	Mr. Partridge	Mr. Waugh	
Mr. Case	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler	
Mr. Chandler	Mr Heermans	Mr. Randall	Mr. White	
Mr. Curtiss	Mr. Holdridge	Mr. Sanford	Mr. Willey	
Mr. Dana	Mr. Hubbell	Mr. Savage	Mr. Williams	
Mr. Dayton	Mr. Ives	Mr. Scott	Mr. Wyckoff	
Mr. Dean	Mr. Johnson	Mr. Seeley	Mr. Young	96

Those who voted in the negative are—

Mr. Cargill	Mr. Mann	Mr. Sloughter	Mr. Vanderbilt
Mr. Dygert	Mr. Noble	Mr. Speaker	Mr. Williamson
Mr. Eldridge	Mr. Redfield	Mr. Tailor	11

The house then proceeded to the consideration of the resolution offered by Mr. T. L. Smith; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88}
{NAYS 20}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dana	Mr. Johnson	Mr. Savage
Mr. Armstrong	Mr. Dayton	Mr. Jones	Mr. Scott
Mr. Arnold	Mr. Dean	Mr. Judd	Mr. Sheppard
Mr. Austin	Mr. Defreest	Mr. Keith	Mr. Sill
Mr. Bacon	Mr. Efner	Mr. Lindsley	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Barnet	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Bostwick	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Boynton	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Bradish	Mr. Graves	Mr. Morell	Mr. J. Van Beuren
Mr. Brown	Mr. J. Hall	Mr. Noble	Mr. Waring
Mr. Cargill	Mr. W. Hall	Mr. Norton	Mr. Waugh
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Carrier	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Case	Mr. Holdridge	Mr. Phoenix	Mr. Willey
Mr. Chandler	Mr. Hubbard	Mr. Randall	Mr. Williams
Mr. Collier	Mr. Hubbell	Mr. Redfield	Mr. Wyckoff
Mr. Curtiss	Mr. Ives	Mr. Sanford	Mr. Young 88

Those who voted in the negative are—

Mr. Davenport	Mr. Falley	Mr. Mathews	Mr. Speaker
Mr. Dyckman	Mr. W. K. Fuller	Mr. Seeley	Mr. Tailor
Mr. Dygert	Mr. Hazeltine	Mr. Sloughter	Mr. Vanderbilt
Mr. Edgerton	Mr. Hedges	Mr. L. Smith	Mr. Van Wyck
Mr. Eldridge	Mr. Mann	Mr. T. L. Smith	Mr. Williamson 20

The house then proceeded to the consideration of the resolution offered by Mr. Dickson; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the third reading of the engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of Catskill."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 95}
{NAYS 17}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Judd	Mr. Sheppard
Mr. Armstrong	Mr. Efner	Mr. Keith	Mr. Sill
Mr. Arnold	Mr. Eldridge	Mr. Lindsley	Mr. Skinner
Mr. Austin	Mr. Fillmore	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bacon	Mr. Fitch	Mr. Mallory	Mr. H. D. Smith
Mr. Bailey	Mr. Fleming	Mr. Mandeville	Mr. Soper
Mr. C. Baker	Mr. Fowler	Mr. M'Crea	Mr. Spier
Mr. E. Baker	Mr. Franklin	Mr. J. M'Donald	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Barnett	Mr. Garbutt	Mr. M'Niel	Mr. Taber
Mr. Bogert	Mr. Gardner	Mr. Mixer	Mr. Teller
Mr. Bostwick	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Boynton	Mr. Goodman	Mr. Myers	Mr. J. Van Beuren
Mr. Bradish	Mr. Graves	Mr. Noble	Mr. P. Van Beuren
Mr. Brown	Mr. W. Hall	Mr. Norton	Mr. Van Wyck
Mr. Cargill	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Carley	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Carrier	Mr. Heermans	Mr. Phoenix	Mr. Wheeler
Mr. Case	Mr. Holdridge	Mr. Randall	Mr. White
Mr. Collier	Mr. Hubbard	Mr. Redfield	Mr. Willey
Mr. Curtiss	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Johnson	Mr. Scott	Mr. Young
Mr. Dean	Mr. Jones	Mr. Seeley	95

Those who voted in the negative are—

Mr. Chandler	Mr. Edgerton	Mr. Hedges	Mr. Speaker
Mr. Davenport	Mr. Falley	Mr. Mann	Mr. Tailor
Mr. Dickson	Mr. W. K. Fuller	Mr. Mathews	Mr. Vanderbilt
Mr. Dyckman	Mr. J. Hall	Mr. L. Smith	Mr. Williamson
Mr. Dygert			17

The house then proceeded to the consideration of the resolution offered by Mr. Johnson; the same was again read, in the words following, to wit:

Resolved, (if the Senate concur,) That there be appointed a committee of three persons, to consist of one member of the Senate and two members of the Assembly, who shall examine the accounts and vouchers of the treasurer, pursuant to the provisions of title 4 of chapter 8 of the first part of the revised statutes.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The house then proceeded to choose by ballot, two members of the committee on the part of this house, in pursuance of the aforesaid resolution; and the ballots having been taken and counted, it appeared that Mr. Johnson was the only person duly elected agreeably to the requirements of the 28th rule of this house.

The house then proceeded to a second ballot; and the ballots having been taken and counted, it appeared that Mr. Mann was duly elected.

Thereupon,

Resolved, (if the Senate concur,) That there be appointed a committee of three persons, to consist of one member of the Senate and two members of the Assembly, who shall examine the accounts and vouchers of the Treasurer, pursuant to the provisions of title 4, chapter 8, of the first part of the revised statutes; and in case of such concurrence, that Mr. Johnson and Mr. Mann be of said committee on the part of this house.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

The engrossed bill entitled "An act to incorporate the president, directors and company of the National Bank in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 98
NAYS 13

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Judd	Mr. Seeley
Mr. Armstrong	Mr. Defreest	Mr. Keith	Mr. Sheppard
Mr. Arnold	Mr. Dygert	Mr. Lindsley	Mr. Sill
Mr. Austin	Mr. Efner	Mr. Mallory	Mr. Skinner
Mr. Bacon	Mr. Falley	Mr. Mandeville	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. Mann	Mr. H. D. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mathews	Mr. L. Smith
Mr. E. Baker	Mr Fleming	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. J. M'Donald	Mr. Stanton
Mr. Barnet	Mr. Franklin	Mr. W. M'Donald	Mr. Starr
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Bostwick	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Boynton	Mr. Gardner	Mr. Morell	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr Myers	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. Noble	Mr. J. Van Beuren
Mr. Burt	Mr. Graves	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Paige	Mr. Waring
Mr. Carrier	Mr. W. Hall	Mr. Partridge	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. White
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. Willey
Mr. Curtiss	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Wyckoff
Mr. Davenport	Mr. Johnson	Mr. Scott	Mr. Young
Mr. Dayton	Mr. Jones		98

Those who voted in the negative are—

Mr. Cargill	Mr. W. K. Fuller	Mr. T. L. Smith	Mr. Titus
Mr. Dyckman	Mr. Hedges	Mr. Soper	Mr. Vanderbilt
Mr. Edgerton	Mr. C. L. Livingston	Mr. Speaker	Mr. Williamson
Mr. Eldridge			13

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed April 12th, 1825;" the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the president, directors and company of the Fulton Bank of the city of New-York;'" the engrossed bill entitled "An act to incorporate the president, directors and company of the Otsego County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Saratoga County Bank;" the engrossed bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state,' passed April 15th, 1825;" and the en-

grossed bill entitled "An act further to extend the act passed April 11th, 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York,'" and that the said bills are severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend an act entitled 'An act to incorporate the Long-Island canal company,' passed April 15th, 1828," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Keith	Mr. Sill
Mr. Armstrong	Mr. Dygert	Mr. Lindsley	Mr. Skinner
Mr. Arnold	Mr. Efner	Mr. C. L. Livingston	Mr. Sloughter
Mr. Austin	Mr. Eldridge	Mr. Mallory	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. Mandeville	Mr. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mathews	Mr. Speaker
Mr. Baragar	Mr. Fowler	Mr. J. M'Donald	Mr. Spier
Mr. Bogert	Mr. Franklin	Mr. W. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. Mixer	Mr. Taber
Mr. Bradish	Mr. Garbutt	Mr. Morell	Mr. Tailor
Mr. Brown	Mr. Gardner	Mr. Myers	Mr. Titus
Mr. Burt	Mr. Goodman	Mr. Noble	Mr. Tower
Mr. Cargill	Mr. J. Hall	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Paige	Mr. Vanderbilt
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. Hedges	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Heermans	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Ives	Mr. Savage	Mr. Willey
Mr. Dana	Mr. Johnson	Mr. Scott	Mr. Williamson
Mr. Davenport	Mr. Jones	Mr. Seeley	Mr. Wyckoff
Mr. Dayton	Mr. Judd	Mr. Sheppard	Mr. Young
Mr. Dean			89

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery," with the amendments therewith delivered.

Ordered, That the said bill and amendments be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act relative to suits on behalf of the people of this state," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Seven several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville;'" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820;" the bill entitled "An act to amend the act entitled 'An act to incorporate the Washington volunteer fire company in the city of Troy;'" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Salina;'" the bill entitled "An act to incorporate the New-York African Clarkson association;" the bill entitled "An act to incorporate the Ellicott's creek slack water navigation company;" and the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passed April 2d, 1805," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

EXECUTIVE CHAMBER,
April 23*d*, 1829.

SIR,

I return the bill entitled "An act concerning the Watervliet turnpike company," that a mistake in the sixth section may be corrected. That section refers to the 16th chapter, 3d article, and 36th section of the revised statutes, whereas the reference was probably intended to be, to part 1st, chapter 18, title 1, article 3, 36th section.

I have the honor to be, yours, &c.

E. T. THROOP.

To the Hon. PETER ROBINSON,
Speaker of the Assembly.

Ordered, That the said message, together with the said bill, be referred to the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Waterville volunteer fire company," with the amendment therewith delivered.

The said bill and amendment were read, and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Ives	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Johnson	Mr. Sloughter
Mr. Arnold	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith
Mr. Austin	Mr. Fitch	Mr. Judd	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Keith	Mr. T. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. Mallory	Mr. Stanton
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. Starr
Mr. Barnet	Mr. W. K. Fuller	Mr. Mann	Mr. Taber
Mr. Bostwick	Mr. Garbutt	Mr. Mathews	Mr. Tailor
Mr. Boynton	Mr. Gardner	Mr. M'Crea	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr. J. M'Donald	Mr. Titus
Mr. Brown	Mr. Goodman	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. M'Niel	Mr. J. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Myers	Mr. P. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Collier	Mr. Hascall	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Wheeler
Mr. Dana	Mr. Hedges	Mr. Sanford	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Holdridge	Mr. Scott	Mr. Williamson
Mr. Defreest	Mr. Hubbard	Mr. Seeley	Mr. Wyckoff
Mr. Dyckman	Mr. Hubbell	Mr. Sheppard	Mr. Young
Mr. Dygert			

97

Those who voted in the negative are—

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to incorporate the New-Hartford fire company."

"An act to incorporate a fire company in the town of Fishkill in the county of Dutchess."

"An act extending the lines of certain lots in the village of Black Rock."

"An act to incorporate the president, directors and company of the Bank of Ithaca."

"An act to extend for a limited period the charter of the Mohawk Bank."

"An act to extend for a limited period the charter of the Bank of Troy."

"An act to extend for a limited period the charter of the Bank of Utica."

"An act to extend for a limited period the charter of the Bank of Auburn."

"An act to incorporate the president, directors and company of the Lockport Bank."

"An act to incorporate the president, directors and company of the Bank of Monroe."

"An act to extend for a limited period the charter of the Bank of Geneva."

"An act to extend for a limited period the charter of the Mechanics' and Farmers' Bank in the city of Albany."

E. T. THROOP.

Albany, *April* 22, 1829.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Essex steam navigation company," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hubbell	Mr. Skinner
Mr. Armstrong	Mr. Dygert	Mr. Ives	Mr. Sloughter
Mr. Arnold	Mr. Edgerton	Mr. Johnson	Mr. H. D. Smith
Mr. Austin	Mr. Efner	Mr. Jones	Mr. L. Smith
Mr. Bacon	Mr. Eldridge	Mr. Keith	Mr. T. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. Speaker
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Stanton
Mr. E. Baker	Mr. Fowler	Mr. Mann	Mr. Starr
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Tailor
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Teller
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Titus
Mr. Bradish	Mr. Garbutt	Mr. M'Niel	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Mixer	Mr. J. Van Beuren
Mr. Cargill	Mr. Garnsey	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Randall	Mr. Vanderbilt
Mr. Chandler	Mr. Graves	Mr. Redfield	Mr. Waring
Mr. Collier	Mr. W. Hall	Mr. Sanford	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Savage	Mr. White
Mr. Dana	Mr. Hascall	Mr. Scott	Mr. Williams
Mr. Dayton	Mr. Hazeltine	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Hedges	Mr. Sheppard	Mr. Wyckoff
Mr Defreest	Mr. Holdridge	Mr. Sill	Mr. Young
Mr. Dickson	Mr. Hubbard		90

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Onondaga Bank;" the said report being that the committee had made some progress in the said bill, but not having time to go through with the same, had directed their chairman to report progress, and ask for leave to sit again.

Mr. Speaker put the question whether the house would grant such leave, and it was determined in the affirmative.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same: which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Farmers' and Manufacturers' Bank in the city of Hudson;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Wayne County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Greenwich and Manufacturers' Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Ogdensburgh Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Madison County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Whitehall;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported, that the committee

had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Oswego Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Oneida County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Starr, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

FRIDAY, APRIL 24, 1829.

The House met pursuant to adjournment.

The memorial of Jedediah Morse, praying relief for damages sustained by defending a certain suit instituted in behalf of the people of this state, was read, and referred to a select committee, consisting of Mr. W. Hall, Mr. Dana and Mr. Hubbard.

Mr. Lindsley, from the select committee to which was committed the bill entitled "An act to amend so much of the first part of the Revised Statutes, as relates to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. H. D. Smith, from the select committee to which was committed the bill entitled "An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Scott, from the select committee to which was committed the bill entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several school districts of said town," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Judd, from the select committee to which was committed the bill entitled "An act to grant certain lands to the heirs of Joseph Hubbard, a revolutionary soldier," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dayton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act concerning marine insurance in the state of New-York," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Sill, from the committee on trade and manufactures, on the petition of the Anthracite and coal and iron foundry association, praying an act of incorporation, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Sill, according to leave, brought in the said bill, entitled "An act to incorporate the president, directors and company of the Anthracite foundry;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Al Burtis, from the committee on the incorporation of charitable and religious societies, on the petition for the incorporation of the Greenwich bank for savings, asked leave to report by bill.

Ordered, That leave be given to bring in such bill.

Mr. Al Burtis, according to leave, brought in the said bill, entitled "An act to incorporate the Greenwich bank for savings;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee appointed under the 47th rule of this house, reported the following resolution:

Resolved, That the bill entitled "An act for the relief of the widow and heirs of the late Captain Isaiah Wool," requires the assent of two-thirds of the members elected to each branch of the legislature, to pass the same.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dickson, from the committee appointed under the 47th rule of this house, reported the following resolution:

Resolved, That the bill entitled "An act to create a fund in aid of the society for the reformation of juvenile delinquents in the city of New-York, and for other purposes," does not require the assent of two-thirds of the members elected to each branch of the legislature to pass the same.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the engrossed bill from the Senate, entitled "An act for the relief of Betsey Cameron," be referred to a select committee, consisting of Mr. Mathews, Mr. Bradish and Mr. Hubbell, to consider and report thereon.

Ordered, That Mr. Cargill have leave of absence for three days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to extend the time for making the Oxford and Lackawaxen turnpike road;" and that the same be referred to a select committee, consisting of Mr. Franklin, Mr. Case and Mr. Chandler, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Presbyterian church of Peekskill;" and that the same be referred to a select committee, consisting of Mr. Brown, Mr. Davenport and Mr. Tailor, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Greenwich Bank for Savings; and that the same be referred to a select committee, consisting of Mr. Dayton, Mr. Al Burtis and Mr. Dyckman, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorise the commissioners for the diversion of the surplus waters of the Black river, to levy a tax to effect that object;" and that the same be referred to a select committee, consisting of Mr. Carrier, Mr. H. D. Smith and Mr. Keith, to consider and report thereon.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to provide for the support of aged and indigent seamen, and the house of refuge for juvenile delinquents in the city of New-York."

The said bill and amendments were read, and the amendments having been again read, some of the said amendments were concurred in, others non-concurred in; and others of the said amendments being amended by the house,

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in certain of their amendments to the said bill, non-concurred in others, and have amended others of the said amendments, as the same are particularly designated in the margin of the said amendments.

The engrossed bill from the Senate, entitled "An act in relation to masters and examiners in chancery in the cities of New-York and Albany," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act relative to applications to the legislature for grants of escheated lands," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act concerning trespasses on lands contracted to be sold by the state," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the prevention of masquerades," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act altering the October term of the court of general sessions of the peace in the county of Delaware," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act concerning the special elections to be held for the election of justices of the peace in certain towns in the county of Onondaga," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of Basil Nadeau, a Canadian refugee," was read the third time.

Resolved, That the bill do pass.

The engrossed bill from the Senate, entitled "An act authorising certain town officers of the town of Augusta in the county of Oneida, to compromise with Elijah Shepard junior and Elisha Mayo, sureties of Joseph Harrison, collector of said town," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill, entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus," was read the third time.

Resolved, That the bill do pass.

The engrossed bill, entitled "An act relative to the bridge across the outlet of Long lake in Saratoga county," was read the third time.

Resolved, That the bill do pass.

The engrossed bill, entitled "An act for the relief of Jonathan Wheat," was read the third time.

Resolved, That the bill do pass.

The engrossed bill, entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road from the Pennsylvania line to Buffalo in the county of Cattaraugus," was read the third time.

Resolved, That the bill do pass.

The engrossed bill entitled "An act requiring the publication of notices in certain cases," was read the third time.

Resolved, That the bill do pass.

The engrossed bill entitled "An act concerning school districts number two and five in the town of Kinderhook," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Whitehall;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Madison County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Ogdensburgh Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Wayne County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Greenwich and Manufacturers' Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Manufacturers' Bank of the city of Hudson;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Oswego Bank;" the engrossed bill entitled "An act to appoint commissioners to lay out a road in the town of Manheim in the county of Herkimer;" and the engrossed bill entitled "An act to incorporate the Chautauque steam-boat company," and find the said bills severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

The engrossed bill from the Senate, entitled "An act for the relief of William Jones, deceased," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	86
NAYS	01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hubbell	Mr. Seeley
Mr. Allison	Mr. Defreest	Mr. Jones	Mr. Sheppard
Mr. Armstrong	Mr. Dickson	Mr. Judd	Mr. Sill
Mr. Arnold	Mr. Dygert	Mr. Keith	Mr. Skinner
Mr. Austin	Mr. Edgerton	Mr. Lindsley	Mr. Sloughter
Mr. Bacon	Mr. Eldridge	Mr. Mallory	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Mandeville	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Mann	Mr. Soper
Mr. E. Baker	Mr. Fitch	Mr. W. M'Donald	Mr. Speaker
Mr. Baragar	Mr. Fleming	Mr. M'Niel	Mr. Spier
Mr. Barnett	Mr. Fowler	Mr. Mixer	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. Morell	Mr. Taber
Mr. Boynton	Mr. P. C. Fuller	Mr. Myers	Mr. Tailor
Mr. Bradish	Mr. Garbutt	Mr. Noble	Mr. Teller
Mr. Brown	Mr. Gardner	Mr. Norton	Mr. Vanderbilt

Mr. Carley	Mr. Garnsey	Mr. Paige	Mr. Wheeler
Mr. Carrier	Mr. Goodman	Mr. Partridge	Mr. White
Mr. Case	Mr. J. Hall	Mr. Phoenix	Mr. Williams
Mr. Chandler	Mr. Hammond	Mr. Randall	Mr. Williamson
Mr. Collier	Mr. Hazeltine	Mr. Savage	Mr. Wyckoff
Mr. Curtiss	Mr. Hedges	Mr. Scott	Mr. Young
Mr. Davenport	Mr. Heermans		86

Those who voted in the negative are—

Mr. Dana 1

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act authorising the mayor, aldermen and commonalty of the city of New-York to erect a public market and to lay out and open a public street in the eleventh ward of the said city, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 89}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hubbell	Mr. Seeley
Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Dygert	Mr. Jones	Mr. Sill
Mr. Arnold	Mr. Edgerton	Mr. Judd	Mr. Skinner
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. Sloughter
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr Fleming	Mr. Mallory	Mr. Soper
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Spier
Mr. Barnet	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Taber
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Brown	Mr. Gardner	Mr. Mixer	Mr. Teller
Mr. Carley	Mr. Garnsey	Mr. Morell	Mr. Titus
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. P. Van Beuren
Mr. Case	Mr. W. Hall	Mr. Paige	Mr. Vanderbilt
Mr. Chandler	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Collier	Mr. Hascall	Mr. Phoenix	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Williamson
Mr. Dana	Mr. Hedges	Mr. Redfield	Mr. Wyckoff
Mr. Davenport	Mr. Heermans	Mr. Scott	Mr. Young
Mr. Dayton			89

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act concerning the village of Lewiston in the county of Niagara," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Dygert	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. H. D. Smith
Mr. Bacon	Mr. Eldridge	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. Falley	Mr. C. L. Livingston	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Fleming	Mr. Mann	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Bradish	Mr. W. K. Fuller	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Garbutt	Mr. Mixer	Mr. Teller
Mr. Carley	Mr. Gardner	Mr. Morell	Mr. Titus
Mr. Carrier	Mr. Garnsey	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Goodman	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. J. Hall	Mr. Paige	Mr. Van Wyck
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hazeltine	Mr. Randall	Mr. Wheeler
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. White
Mr. Dayton	Mr. Heermans	Mr. Scott	Mr. Willey
Mr. Dean	Mr. Holdridge	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Hubbell	Mr. Sheppard	Mr. Wyckoff
Mr. Dickson	Mr. Jenkins	Mr. Sill	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the further support and extension of common schools in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 87
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Keith	Mr. Skinner
Mr. Allison	Mr. Eldridge	Mr. Lindsley	Mr. Sloughter
Mr. Armstrong	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. Mallory	Mr. L. Smith
Mr. Austin	Mr. Fitch	Mr. Mandeville	Mr. Soper
Mr. Bailey	Mr. Fowler	Mr. Mann	Mr. Speaker
Mr. C. Baker	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. Garbutt	Mr. W. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. Gardner	Mr. M'Niel	Mr. Taber
Mr. Brown	Mr. Garnsey	Mr. Mixer	Mr. Tailor
Mr. Carley	Mr. Goodman	Mr. Morell	Mr. Teller
Mr. Case	Mr. J. Hall	Mr. Myers	Mr. P. Van Beuren
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Collier	Mr. Hammond	Mr. Norton	Mr. Waugh
Mr. Curtiss	Mr. Hascall	Mr. Paige	Mr. Wheeler
Mr. Davenport	Mr. Hazeltine	Mr. Partridge	Mr. White

Mr. Dayton	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Dean	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Defreest	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dickson	Mr. Jenkins	Mr. Seeley	Mr. Wyckoff
Mr. Dyckman	Mr. Jones	Mr. Sheppard	Mr. Young
Mr. Dygert	Mr. Judd	Mr. Sill	

87

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act making certain alterations in the map or plan of the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Jenkins	Mr. Sill
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Edgerton	Mr. Keith	Mr. Sloughter
Mr. Austin	Mr. Eldridge	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. Soper
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Niel	Mr. Taber
Mr. Bradish	Mr. Garbutt	Mr. Morell	Mr. Tailor
Mr. Brown	Mr. Gardner	Mr. Myers	Mr. Teller
Mr. Carley	Mr. Garnsey	Mr. Norton	Mr. Titus
Mr. Carrier	Mr. Goodman	Mr. Paige	Mr. P. Van Beuren
Mr. Case	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Collier	Mr. W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Curtiss	Mr. Hammond	Mr. Randall	Mr. White
Mr. Dana	Mr. Hascall	Mr. Redfield	Mr. Willey
Mr. Davenport	Mr. Hazeltine	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Hedges	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Heermans	Mr. Seeley	Mr. Wyckoff
Mr. Defreest	Mr. Holdridge	Mr. Sheppard	Mr. Young
Mr. Dickson	Mr. Hubbell		

94

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of the stockholders of the Farmers' woollen manufacturing company of the town of Benton in the county of Yates," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	99
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jones	Mr. Sheppard
Mr. Allison	Mr. Dickson	Mr. Judd	Mr. Sill
Mr. Armstrong	Mr. Dygert	Mr. Keith	Mr. Skinner
Mr. Austin	Mr. Edgerton	Mr. Lindsley	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Mallory	Mr. L. Smith
Mr. Bailey	Mr. Fillmore	Mr. Mandeville	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. Mann	Mr. Speaker
Mr. E. Baker	Mr. Fleming	Mr. Mathews	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. M'Crea	Mr. Stanton
Mr. Barnet	Mr. Franklin	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Teller
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. Titus
Mr. Carley	Mr. Goodman	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. W. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Case	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Chandler	Mr. Hascall	Mr. Partridge	Mr. Wheeler
Mr. Collier	Mr. Hazeltine	Mr. Phoenix	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Holdridge	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Scott	Mr. Young
Mr. Dean	Mr. Jenkins	Mr. Seeley	99

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the Naples turnpike road company." was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 81
NAYS 05}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. C. L. Livingston	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Mallory	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Mandeville	Mr. H. D. Smith
Mr. Bacon	Mr. Falley	Mr. Mann	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Mathews	Mr. Speaker
Mr. C. Baker	Mr. Fowler	Mr. M'Crea	Mr. Spier
Mr. E. Baker	Mr. Franklin	Mr. J. M'Donald	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Barnett	Mr. Garbutt	Mr. M'Niel	Mr. Taber
Mr. Bostwick	Mr. Garnsey	Mr. Morell	Mr. Tailor
Mr. Boynton	Mr. Goodman	Mr. Norton	Mr. Teller
Mr. Bradish	Mr. Hazeltine	Mr. Paige	Mr. Titus
Mr. Brown	Mr. Hedges	Mr. Partridge	Mr. P. Van Beuren
Mr. Carley	Mr. Heermans	Mr. Randall	Mr. Vanderbilt
Mr. Case	Mr. Hubbell	Mr. Redfield	Mr. Van Wyck
Mr. Chandler	Mr. Jenkins	Mr. Savage	Mr. Waugh
Mr. Collier	Mr. Jones	Mr. Scott	Mr. White
Mr. Curtiss	Mr. Judd	Mr. Seeley	Mr. Willey
Mr. Dana	Mr. Keith	Mr. Sheppard	Mr. Williamson
Mr. Dayton	Mr. Lindsley	Mr. Sill	Mr. Young
Mr. Dean			81

Those who voted in the negative are—

Mr. Davenport	Mr. J. Hall	Mr. Hammond	Mr. Hascall	
Mr. Edgerton				5

Thereupon,

Mr. Edgerton made a motion that the house should agree to reconsider its said vote.

Ordered, That the said motion be laid upon the table.

The engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York," was read the third time.

Thereupon,

Ordered, That the said bill be committed to a select committee, consisting of Mr. Arnold, Mr. Myers and Mr C. L. Livingston.

The engrossed bill from the Senate, entitled "An act concerning escheats," was read the third time.

Ordered, That the further consideration of the said bill be postponed until the fourth day of July next.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York," reported, that the committee had examined the said bill, prepared an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Thereupon,

The amendment was ordered to be engrossed, and the bill ordered to a third reading.

The engrossed bill entitled "An act to extend the time for completing the Newtown turnpike road," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	05

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Keith	Mr. Sill
Mr. Allison	Mr. Eldridge	Mr. Lindsley	Mr. Skinner
Mr. Armstrong	Mr. Falley	Mr. C. L. Livingston	Mr. Sloughter
Mr. Arnold	Mr. Fillmore	Mr. Mallory	Mr. L. Smith
Mr. Austin	Mr. Fitch	Mr. Mandeville	Mr. T. L. Smith
Mr C. Baker	Mr Fleming	Mr. Mann	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Barnet	Mr. Franklin	Mr. M'Crea	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Bradish	Mr. Gardner	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. Morell	Mr. Titus
Mr. Carley	Mr. Goodman	Mr Myers	Mr. Tower
Mr. Carrier	Mr. J. Hall	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr. Hammond	Mr. Norton	Mr. Vanderbilt
Mr. Chandler	Mr. Hazeltine	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. Hedges	Mr. Partridge	Mr. White
Mr. Curtiss	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Dana	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Redfield	Mr. Wyckoff
Mr. Dean	Mr. Jenkins	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Jones	Mr. Scott	87

Those who voted in the negative are—

Mr. Davenport	Mr. Hascall	Mr. Mixer	Mr. Willey
Mr. Edgerton			5

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Owasco and Erie canal company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill. and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Jenkins	Mr. Sill
Mr. Allison	Mr. Dickson	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Judd	Mr. Sloughter
Mr. Arnold	Mr. Dygert	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Edgerton	Mr. Lindsley	Mr. L. Smith
Mr. Bacon	Mr. Falley	Mr. C. L. Livingston	Mr. Speaker
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. Spier
Mr. C. Baker	Mr. Fitch	Mr. Mann	Mr. Stanton
Mr. E. Baker	Mr. Fleming	Mr. Mathews	Mr. Starr
Mr. Baragar	Mr. Fowler	Mr. M'Crea	Mr. Taber
Mr. Barnet	Mr. Franklin	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Teller
Mr. Boynton	Mr. W. K. Fuller	Mr. Morell	Mr. Titus
Mr. Bradish	Mr. Garbutt	Mr. Myers	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Garnsey	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hascall	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. Williamson
Mr. Davenport	Mr. Heermans	Mr. Scott	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Seeley	Mr. Young 96

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act further to extend the act passed April 11th, 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	90
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Mallory	Mr. H. D. Smith
Mr. Allison	Mr. Dickson	Mr. Mandeville	Mr. L. Smith
Mr. Armstrong	Mr. Dyckman	Mr. Mann	Mr. T. L. Smith
Mr. Arnold	Mr. Dygert	Mr. Mathews	Mr. Speaker
Mr. Austin	Mr. Edgerton	Mr. M'Crea	Mr. Spier
Mr. Bacon	Mr. Fillmore	Mr. W. M'Donald	Mr. Stanton
Mr. Bailey	Mr. Fitch	Mr. M'Niel	Mr. Starr
Mr. C. Baker	Mr. Fleming	Mr. Mixer	Mr. Taber
Mr. E. Baker	Mr. Franklin	Mr. Morell	Mr. Tailor
Mr. Baragar	Mr. W. K. Fuller	Mr. Myers	Mr. Teller
Mr. Barnett	Mr. Garbutt	Mr. Noble	Mr. Titus
Mr. Bostwick	Mr. Gardner	Mr. Norton	Mr. Tower
Mr. Boynton	Mr. Garnsey	Mr. Partridge	Mr. P. Van Beuren
Mr. Bradish	Mr. Goodman	Mr. Randall	Mr. Vanderbilt
Mr. Brown	Mr. J. Hall	Mr. Redfield	Mr. Waugh
Mr. Carley	Mr. Hazeltine	Mr. Savage	Mr. Wheeler
Mr. Carrier	Mr. Hedges	Mr. Scott	Mr. White
Mr. Chandler	Mr. Heermans	Mr. Seeley	Mr. Willey
Mr. Collier	Mr. Hubbell	Mr. Sheppard	Mr. Williams
Mr. Curtiss	Mr. Jenkins	Mr. Sill	Mr. Williamson
Mr. Dana	Mr. Judd	Mr. Skinner	Mr. Wyckoff
Mr. Dayton	Mr. Keith	Mr. Sloughter	Mr. Young
Mr. Dean	Mr. C. L. Livingston		90

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then proceeded to the consideration of the resolutions of the Senate relative to the printing of the journals and other papers of the two houses; the same were again read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the printing for the legislature, except when otherwise specially directed, shall, after the present session, be done in the following form and manner, viz: Bills as has been heretofore used, with pica type; rule or table work, in royal octavo size, where it can be brought into that size by any type not smaller than brevier, and in such form as to fold conveniently into the volume. All other printing shall be done with small pica type, on royal paper, in pages of the octavo form, and each to contain not less than 1,538 ems. The secretary of state and comptroller shall contract with the state printer for doing the printing authorised by these resolutions; but the price allowed shall not exceed the present rate per page, after a deduction of the difference between the number of pica ems in the folio size, and the number of small pica ems in the octavo size.

Resolved, (if the Assembly concur,) That after the present session, the journals of the Senate and Assembly shall be printed in the above form and size, and with the above type; and no document or paper which had previously been printed, shall be reprinted therein; nor shall any message, report, communication or other document be printed in the journals, but the same shall be referred to in the journals by number or in some other convenient manner.

Resolved, (if the Assembly concur,) That seventy-three copies of the documents and reports, in addition to the usual number, shall be printed; twelve of which shall be delivered to the clerks of the Senate and Assembly, for the use of their respective houses, and the remainder shall be distributed with the journals of the two houses, agreeable to law.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolutions.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

The Senate returned by their clerk, the bill entitled "An act to incorporate the Essex steam navigation company;" the bill entitled "An act relative to suits on behalf of the people of this state;" the bill entitled "An act authorising John McLallen to establish a ferry across the Cayuga lake;" the bill enti-

tled "An act to incorporate the Waterville fire company;" and the engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Long-Island canal company,' passed April 15th, 1828."

Ordered, That the clerk deliver the said bills to the acting Governor.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend the act incorporating the Albany and Greene turnpike road company, passed April 7th, 1806, and the several acts amending the same;" the bill entitled "An act authorising the supervisors of Livingston county to raise money to build a bridge over the Genesee river at Squakie hill;" and the engrossed bill entitled "An act for the relief of the Owego and Ithaca turnpike road company," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

The engrossed bill entitled "An act to appoint commissioners to lay out a road in the town of Manheim in the county of Herkimer," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Starr gave notice that on Monday next, at 11 o'clock, he would move a call of this house.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act relative to monies in the hands of overseers of the poor," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, and concurred in,

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act incorporating the firemen in the city of Troy by the name of the Fire department of the city of Troy," and the bill entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua,'" with the amendments therewith delivered.

Ordered, That the said bills and amendments be laid upon the table.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to amend an act entitled 'An act to incorporate the village of Salina.'"

"An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Athens in the county of Greene,' passed April 2d, 1805."

"An act to amend an act entitled 'An act to vest certain powers and privileges in the freeholders and inhabitants of the village of Gibbonsville.'"

"An act to incorporate the Ellicott's creek slack water navigation company."

"An act to amend an act entitled 'An act to incorporate the village of Whitehall,' passed March 30th, 1820."

"An act to incorporate the New-York African Clarkson association."

"An act to amend the act entitled 'An act to incorporate the Washington volunteer fire company in the city of Troy.'"

"An act to incorporate the Rome and Vienna turnpike company."

"An act to amend an act entitled 'An act to authorise the sale of certain lands therein mentioned, by the people of this state,' passed March 10th, 1827."

"An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Whitesboro', and for other purposes,' passed March 26th, 1813."

"An act to extend for a limited period the charter of the Farmers' Bank."

"An act to amend an act entitled 'An act to incorporate the village of Saratoga Springs,' passed April 17th, 1826."

"An act to authorise the board of supervisors of the county of Genesee, in their discretion, to raise certain monies, for the purpose of building roads and bridges."

"An act to amend an act entitled 'An act to incorporate the village of Syracuse,' passed April 13th, 1825."

"An act for the appointment of commissioners to perform certain duties of a justice of the supreme court in the county of Seneca, and in the eastern jury district of the county of Tioga, and for other purposes."

"An act to amend an act entitled 'An act relative to the road from the village of Northampton in the county of Montgomery, to the Mohawk turnpike,' passed April 10th, 1828."

"An act to amend an act entitled 'An act to incorporate the Buffalo high school association.'"

"An act to incorporate the Bethpage turnpike company in the county of Queens."

"An act to establish a high school at Newburgh."

"An act to give effect to the revised statutes relating to the county courts in the county of Genesee."

"An act to amend the act entitled 'An act to incorporate the village of Buffalo in the county of Erie,' passed April 2d, 1822."

"An act to divide the town of Clymer in the county of Chautauque."

"An act authorising the Philipstown turnpike road company to abandon a part of their road."

"An act for the relief of Bradford Howland."

"An act authorising Thomas Garvie to erect a wharf in the town of Oysterbay in the county of Queens."

"An act to provide for the establishment of a court-house in the village of Brooklyn in the county of Kings."

"An act to extend for a limited period the charter of the New-York State Bank."

E. T. THROOP.

Albany, April 23, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Manufacturers' Bank of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Waterville Oneida County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill. made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Montgomery County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell. from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the president, directors and company of the Bank of Brooklyn;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Merchants' Exchange Bank of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendments were ordered to be engrossed, and the bill was ordered to a third reading.

And then the House adjourned until nine o'clock to-morrow morning.

SATURDAY, APRIL 25, 1829.

The House met pursuant to adjournment.

Mr. Case, from the select committee to which was committed the bill entitled "An act relative to the Oxford and Lackawaxen turnpike road company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Mathews, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act for the relief of Betsey Cameron," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Brown, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to incorporate the Presbyterian church of Peekskill," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Carrier, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendment was ordered to be engrossed, and the bill was ordered to a third reading.

Mr. Edgerton, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," and the several bills before this house to change the names of John Shields, Edmund Day and David E. Harris, respectively, reported, that the committee had gone through the said bill, made sundry amendments, altered the title so as to read "An act to authorise the several persons therein named, to change their names," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill and amendments were ordered to a third reading.

Mr. Mann, from the committee on claims, to whom was referred the petition of Esther Chace, of the town of Kirkland, reported:

That the petitioner represents that she has an equitable claim for dower in a certain lot of land sold by the commissioners of the land-office; but no evidence has been submitted to the committee, sustaining the rights of the petitioner, and they therefore submit the following resolution:

Resolved, That the petitioner have leave to withdraw her petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the select committee, to whom was referred the petition of the merchants and forwarders on the Erie canal, praying for an alteration of the law in relation to preferences given to packet-boats in passing locks on the Erie canal, reported:

That they have had the subject referred to them under careful consideration, and a majority of the committee are of opinion that it is inexpedient at present to legislate in the premises, and therefore submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of John Shiland, of the county of Washington, praying to be reimbursed for a lot of land sold by the comptroller for arrears of taxes, together with the report of the commissioners of the land-office thereon, reported:

That they have diligently examined the allegations and documents of the petitioner, and are unanimously of opinion that the petitioner has no claim upon the state for relief; and they submit for consideration the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Junia Curtis, praying additional compensation for certain labor on the pump works at Salina, reported:

That the petitioner states that he performed labor on the pump works at Salina, under direction of the superintendent of said works, and that on a settlement therefor, a disagreement arose between him and said superintendent as to the quantity and value of such labor, which was finally submitted to arbitration; but he complains that the arbitrators did not allow him as much as he believes he ought to have from the state; but the committee believe otherwise, and therefore submit the following resolution for the consideration of the house:

Resolved, That the prayer of the petitioner ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Dayton, from the select committee to which was committed the bill entitled "An act to incorporate the Greenwich bank for savings," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Austin, from the select committee to which was committed the bill entitled "An act to incorporate the Cooperstown, Schoharie and Durham turnpike road company," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dickson, from the committee appointed under the 47th rule of this house, to which was referred the engrossed bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state,' passed April 15th, 1825," reported the following resolution:

Resolved, That the bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state,' passed April 15th, 1825." requires the assent of two-thirds of the members elected to each branch of the legislature to pass the same.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Zenas Barker, a revolutionary soldier, reported:

That the petitioner sets forth that he enlisted on the 6th January 1781, in the New-York state battalion, commanded by Col. Marinus Willet, and served the term for which he enlisted. There is no evidence in relation to the allegations of the petitioner: and no provision having been made for the relief of that part of the army of this state not belonging to the continental army, the committee submit the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Mann, from the committee on claims, to whom was referred the petition of Jacob Buckdorf, of the county of Herkimer, praying for the passage of a law authorising the commissioners of the canal fund to refund certain tolls paid by him on timber used for the construction of the Erie canal, reported:

That they have examined the allegations of the petitioner, and are satisfied that he has no claim against the state, but that if he is entitled to remuneration at all, it is against the individual with whom he contracted; and therefore they submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill, entitled "An act to amend section fifteen of the first chapter of the first part of the revised statutes, relative to the office of superintendent of the poor," was read the third time.

Resolved, That the bill do pass.

Mr. Mann, from the committee on claims, to whom was referred the petition of Andrew Phares, praying compensation for his improvements on lot No. 6 in in the village of Geddes, reported:

That the petitioner sets forth that he was in possession of lot No. 6, in the village of Geddes, at the time said lot was sold by the surveyor-general, and had erected thereon a barn of the value of $100; and he says, "that as the state heretofore have not been in the practice of speculating on private property," he supposes that they will not now be disposed to do so, and therefore claims to be paid for his barn.

The committee are not apprised by what right or authority the petitioner erected his barn on state lands, unless it be by that which declares public property "lawful prize;" and although the committee concur with the petitioner in the belief that the state have not been in the habit of speculating out of individuals, yet they do not discover in this instance the propriety of suffering an individual to speculate out of the state; and they submit for consideration the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Ordered, That the said report and resolution be laid upon the table.

Mr. W. Hall, from the select committee to which was referred the memorial of Jedediah Morse, praying relief for damages sustained in consequence of having been made a plaintiff in a suit brought by the attorney-general on behalf of the people of this state, reported:

That they have had the same under consideration, and find the said Morse leased of the people of this state, a lot of land situate in the town of Burlington in the county of Otsego, and that upon attempting to take possession of the same, it was found to be in possession of a third person; whereupon the attorney-general commenced a suit in ejectment against the said occupant, making use of the name of the memorialist as a plaintiff: but the said attorney-general neglected to prosecute the same to effect, in consequence of which, judgment was entered against the said Morse for costs. The committee therefore believe that the prayer of the memorialist is reasonable, and that he ought to have relief; and they have prepared a bill, and directed their chairman to ask leave to introduce the same.

Ordered, That leave be given to bring in such bill.

Mr. W. Hall, according to leave, brought in the said bill, entitled "An act for the relief of Jedediah Morse;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Ordered, That the said bill, report, and the documents accompanying the same, be referred to the commissioners of the land-office.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act incorporating the firemen in the city of Troy by the name of the Fire department of the city of Troy."

The said bill and amendments were read; and the amendments having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	88
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jones	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. Bacon	Mr. Fillmore	Mr. Mallory	Mr. Speaker
Mr. Bailey	Mr. Fleming	Mr. Mann	Mr. Spier
Mr. C. Baker	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. Baragar	Mr. Franklin	Mr. M'Crea	Mr. Taber
Mr. Barnett	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Teller
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Titus
Mr. Bradish	Mr. Garnsey	Mr. Myers	Mr. Tower
Mr. Brinkerhoff	Mr. Goodman	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Hascall	Mr. Randall	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Collier	Mr. Heermans	Mr. Sanford	Mr. Willey
Mr. Curtiss	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Hubbell	Mr. Scott	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Wyckoff
Mr. Defreest	Mr. Jenkins	Mr. Sill	Mr. Young 88

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to amend an act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua."

The said bill and amendments were read, and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hubbell	Mr. Sill
Mr. Armstrong	Mr. Dygert	Mr. Ives	Mr. Skinner
Mr. Austin	Mr. Edgerton	Mr. Jenkins	Mr. Sloughter
Mr. Bacon	Mr. Eldridge	Mr. Jones	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Judd	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Keith	Mr. Speaker
Mr. Baragar	Mr. Fitch	Mr. Lindsley	Mr. Spier
Mr. Barnet	Mr. Fowler	Mr. Mallory	Mr. Stanton
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mann	Mr. Taber
Mr. Boynton	Mr. W. K. Fuller	Mr. Mathews	Mr. Tailor
Mr. Bradish	Mr. Garbutt	Mr. M'Crea	Mr. Titus
Mr. Brown	Mr. Garnsey	Mr. J. M'Donald	Mr. Tower
Mr. Carley	Mr. Goodman	Mr. W. M'Donald	Mr. P. Van Beuren
Mr. Carrier	Mr. Graves	Mr. M'Niel	Mr. Vanderbilt
Mr. Case	Mr. J. Hall	Mr. Myers	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. White
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Willey
Mr. Dayton	Mr. Hazeltine	Mr. Sanford	Mr. Williams
Mr. Dean	Mr. Hedges	Mr. Savage	Mr. Williamson
Mr. Defreest	Mr Heermans	Mr. Scott	Mr. Wyckoff
Mr. Dickson	Mr. Hubbard	Mr. Sheppard	Mr. Young 88

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery."

The said bill and amendments were read; and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr Jenkins	Mr. Sill
Mr. Armstrong	Mr. Eldridge	Mr. Jones	Mr. Skinner
Mr. Austin	Mr. Falley	Mr. Judd	Mr. Sloughter
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. T. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mallory	Mr. Soper
Mr. Baragar	Mr. Fowler	Mr. Mann	Mr. Speaker
Mr. Barnett	Mr. Franklin	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. Mixer	Mr. Teller
Mr. Burt	Mr. Goodman	Mr. Myers	Mr. Titus
Mr. Carley	Mr. Graves	Mr. Noble	Mr. Tower

Mr. Carrier	Mr. J. Hall	Mr. Partridge	Mr. P. Van Beuren
Mr. Case	Mr. Hammond	Mr. Phoenix	Mr. Vanderbilt
Mr. Collier	Mr. Hascall	Mr. Randall	Mr. Waugh
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Heermans	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dickson	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr. Dyckman	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Dygert			

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Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the charter of the Sun fire insurance company," and that the same be referred to the committee of the whole, when on the several bank bills.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company.'", and that the same be referred to a select committee, consisting of Mr. Savage, Mr. Johnson and Mr. White, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the president, directors and company of the Anthracite foundry," and that the same be referred to a select committee, consisting of Mr. Myers, Mr. Arnold and Mr. Dayton, to consider and report thereon.

Mr. Fitch gave notice that he would hereafter ask leave to introduce a bill relative to the Revised Statutes, so far as relates to the establishing a poor-house in the county of Allegany.

On motion of Mr. Skinner,

Resolved, That the committee on ways and means be directed to prepare and report to this house, the usual supply bill, for the payment of certain officers of the government.

Mr. Bostwick gave notice that he would, at some future day, ask leave to introduce a bill to amend the act to divide the town of Junius.

Ordered, That Mr. Soper have leave of absence for two days, Mr. Allison for four days, and Mr. Dyckman until Tuesday next.

Ordered, That the committee on claims be discharged from the further consideration of the petition of Stephen W. Johnson junior, praying compensation for stationary furnished the executive chamber, and that the same be referred to the committee on ways and means.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to incorporate the Manhattan gas light company in the city of New-York;" and that the same be referred to a select committee, consisting of Mr. Myers, Mr. Arnold and Mr. Dayton, to consider and report thereon.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act concerning the dam at the foot of Hemlock lake in the county of Livingston;" and that the same be referred to a select committee, consisting of Mr. P. C. Fuller, Mr. Goodman and Mr. Fillmore, to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town;" the engrossed bill entitled "An act to erect the town of Arkwright in the county of Chautauque;" and the engrossed bill entitled "An act to amend so much of the first part of the revised statutes of this state, as relates to the division line between the

towns of Fallsburgh and Neversink in the county of Sullivan," and that the said bills are severally correctly engrossed.

The said engrossed bill, entitled "An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to erect the town of Arkwright in the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to amend so much of the first part of the revised statutes of this state as relates to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Montgomery County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Manufacturers' Bank in the city of New-York;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Waterville Oneida County Bank;" the engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Brooklyn;" the engrossed bill entitled "An act to enable certain aliens therein mentioned, to take, hold and convey real estate, and for other purposes;" and the engrossed bill entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state,' passed April 15th, 1825," and that they find the said bills severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Manufacturers' Bank of the city of Hudson," and that the said bill is correctly re-engrossed.

Ordered, That the said bill be laid upon the table.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, enentitled "An act to incorporate the president, directors and company of the Merchants' Exchange Bank of the city of New-York," and that the same are correctly engrossed.

Ordered, That the said bill and amendments be laid upon the table.

The engrossed bill from the Senate, entitled "An act relative to the city of Troy," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Ives	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Jenkins	Mr. Sloughter
Mr. Armstrong	Mr. Edgerton	Mr. Jones	Mr. H. D. Smith
Mr. Bacon	Mr. Eldridge	Mr. Judd	Mr. L. Smith
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. Soper
Mr. C. Baker	Mr. Fillmore	Mr. Lindsley	Mr. Speaker

Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr Fleming	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. M'Crea	Mr. Taber
Mr. Boynton	Mr. Franklin	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Teller
Mr. Brown	Mr. W. K. Fuller	Mr. M'Niel	Mr. Titus
Mr. Burt	Mr. Garbutt	Mr. Mixer	Mr. Tower
Mr. Carley	Mr. Garnsey	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. Goodman	Mr. Partridge	Mr. Vanderbilt
Mr. Case	Mr. Graves	Mr. Phoenix	Mr. Van Wyck
Mr. Chandler	Mr. J. Hall	Mr. Randall	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Sanford	Mr. White
Mr. Davenport	Mr. Hascall	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Hazeltine	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Hedges	Mr. Seeley	Mr. Williamson
Mr. Defreest	Mr. Heermans	Mr. Sheppard	Mr. Wyckoff
Mr. Dickson	Mr. Hubbell	Mr. Sill	Mr. Young 96

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill entitled "An act to incorporate the Chautauque lake steam-boat company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 92
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Judd	Mr. Skinner
Mr. Allison	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. Armstrong	Mr. Fillmore	Mr. Lindsley	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mallory	Mr. Soper
Mr. Baragar	Mr. Fleming	Mr. Mann	Mr. Speaker
Mr. Barnett	Mr. Fowler	Mr. Mathews	Mr. Spier
Mr. Bostwick	Mr. Franklin	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Brown	Mr. Garbutt	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Carley	Mr. J. Hall	Mr. Myers	Mr. Titus
Mr. Chandler	Mr. W. Hall	Mr. Noble	Mr. Tower
Mr. Collier	Mr. Hammond	Mr. Partridge	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. Vanderbilt
Mr. Davenport	Mr. Hazeltine	Mr. Randall	Mr. Waugh
Mr. Dayton	Mr. Hedges	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Heermans	Mr. Sanford	Mr. White
Mr. Defreest	Mr. Hubbard	Mr. Savage	Mr. Willey
Mr. Dickson	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Dyckman	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr. Dygert	Mr. Jenkins	Mr. Sheppard	Mr. Wyckoff
Mr. Edgerton	Mr. Jones	Mr. Sill	Mr. Young 92

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the supervisors of Livingston county to raise money to build a bridge over the Genesee river at Squakie hill."

"An act for the relief of the Owego and Ithaca turnpike road company."

"An act relative to suits on behalf of the people of this state."

"An act authorising John McLallen to establish a ferry across the the Cayuga lake."

"An act to incorporate the Waterville volunteer fire company."

"An act to amend an act entitled 'An act to incorporate the Long-Island canal company,' passed April 15th, 1828."

"An act to incorporate the Essex steam navigation company."

"An act to amend the act incorporating the Albany and Greene turnpike company, passed April 7th, 1806, and the several acts amending the same."

E. T. THROOP.

Albany, *April* 24, 1829.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act concerning the Watervliet turnpike company."

E. T. THROOP.

Albany, *April* 25, 1829.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to authorise the commissioners of highways of the town of Deerfield in the county of Oneida, and of the town of Schuyler in the county of Herkimer, to divide a certain road into road districts;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and by the unanimous consent of the house was ordered to a third reading.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to divide the town of Constable," and the bill entitled "An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak Orchard and Marsh creeks in the town of Carlton," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812," with the amendments therewith delivered.

The said bill and amendments were read,

Ordered, That the same be laid upon the table.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Yates County Bank;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee,

reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same· which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendments were ordered to be engrossed, and the bill was ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to amend the charter of the Sun fire insurance company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Clinton insurance company in the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hubbell, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of John Sargeant;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported progress, and asked for and obtained leave to sit again.

In pursuance of previous notice, Mr. Fitch asked for and obtained leave to bring in a bill entitled "An act relative to the Revised Statutes, so far as relates to the establishment of a poor-house in the county of Allegany;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Fitch, Mr. Eldridge and Mr. Case, to consider and report thereon.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, APRIL 27, 1829.

The House met pursuant to adjournment.

The petition of Joseph C. Cooper and others, praying for the removal of a certain bridge over East-Chester creek in Westchester county, was read, and committed to a committee of the whole when on the bill upon that subject.

Mr. Waugh, from the committee on agriculture, to which was referred the petition of William Thompson and others, of the county of Orange, praying for relief in relation to the appointment of commissioners respecting the draining of certain bog meadows in said county, reported:

That the committee have had the said petition, as well as a remonstrance from sundry inhabitants of the said county on the subject of the said petition, under consideration, and are of opinion that by a law of this state passed April 9th, 1804, ample provision is made for the relief of the said petitioners. The committee therefore deeming any further legislative aid in the premises unnecessary, recommend the adoption of the following resolution, viz:

Resolved, That the petitioners have leave to withdraw their petitions.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitch, from the select committee to which was committed the bill entitled "An act relative to the Revised Statutes, so far as relates to the establishment of a poor-house in the county of Allegany," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. P. C. Fuller, from the select committee to which was committed the bill entitled "An act concerning the dam at the foot of Hemlock lake in the county of Livingston," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Myers, from the select committee to which was committed the bill entitled "An act to incorporate the Manhattan gas light company of the city of New-York," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. Myers, from the select committee to which was committed the bill entitled "An to incorporate the president, directors and company of the Anthracite foundry," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the first title of the seventeenth chapter of the first part of the revised statutes;" and that the same be referred to a select committee, consisting of Mr. Edgerton, Mr. Myers, Mr. Lindsley, Mr. Starr, Mr. Eldridge, Mr. Franklin, Mr. Hubbell and Mr. Fillmore, to consider and report thereon.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Edgerton; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the Naples turnpike road company."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 89}
{NAYS 03}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Judd	Mr. A. Smith
Mr. Armstrong	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Austin	Mr. Fillmore	Mr. Mandeville	Mr. L. Smith
Mr. Bacon	Mr. Fitch	Mr. Mann	Mr. Speaker
Mr. Bailey	Mr. Fleming	Mr. M'Crea	Mr. Spier
Mr. C. Baker	Mr. Franklin	Mr. W. M'Donald	Mr. Starr
Mr. E. Baker	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Baragar	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Barnet	Mr. Gardner	Mr. Morell	Mr. Teller
Mr. Bogert	Mr. Garnsey	Mr. Noble	Mr. Tower
Mr. Bostwick	Mr. Goodman	Mr. Norton	Mr. J. Van Beuren
Mr. Boynton	Mr. Gosman	Mr. Paige	Mr. P. Van Beuren
Mr. Bradish	Mr. Graham	Mr. Partridge	Mr. Vanderbilt
Mr. Brown	Mr. J. Hall	Mr. Phoenix	Mr. Van Wyck
Mr. Carley	Mr. Hammond	Mr. Randall	Mr. Waring
Mr. Carrier	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Case	Mr. Hedges	Mr. Sanford	Mr. White
Mr. Chandler	Mr. Hubbard	Mr. Savage	Mr. Willey
Mr. Collier	Mr. Hubbell	Mr. Scott	Mr. Williams
Mr. Curtiss	Mr. Ives	Mr. Seeley	Mr. Williamson
Mr. Dana	Mr. Jenkins	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Johnson	Mr. Sloughter	Mr. Young
Mr. Dickson			89

Those who voted in the negative are—

Mr. Davenport	Mr. Edgerton	Mr. Hascall	3

Thereupon,

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 95}
{NAYS 05}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Efner	Mr. Keith	Mr. Sill
Mr. Armstrong	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. Arnold	Mr. Fleming	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Austin	Mr. Franklin	Mr. Mandeville	Mr. L. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Mann	Mr. Speaker
Mr. Bailey	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. C. Baker	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. E. Baker	Mr. Gardner	Mr. J. M'Donald	Mr. Taber
Mr. Baragar	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Barnett	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Bostwick	Mr. Gosman	Mr. Mixer	Mr. Titus

Mr. Boynton	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Bradish	Mr. J. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Brown	Mr. W. Hall	Mr. Norton	Mr. P. Van Beuren
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Vanderbilt
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Van Wyck
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Waring
Mr. Chandler	Mr. Holdridge	Mr. Randall	Mr. White
Mr. Collier	Mr. Hubbard	Mr. Redfield	Mr. Willey
Mr. Curtiss	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Williamson
Mr. Dean	Mr Jenkins	Mr. Scott	Mr. Wyckoff
Mr Dickson	Mr. Johnson	Mr. Seeley	Mr. Young
Mr. Dygert	Mr. Judd	Mr. Sheppard	95

Those who voted in the negative are—

Mr. Davenport	Mr. Fitch	Mr. Hascall	Mr. A. Smith
Mr. Edgerton			5

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice, Mr. Bostwick asked for and obtained leave to bring in a bill entitled "An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junius, Seneca-Falls and Tyre, in the county of Seneca;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Bostwick, Mr. Scott and Mr. Dana, to consider and report thereon.

The engrossed bill from the Senate, entitled "An act for the relief of Betsey Cameron," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 94
NAYS 00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Ives	Mr. Savage
Mr. Armstrong	Mr. Dygert	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Edgerton	Mr. Johnson	Mr. Seeley
Mr. Bacon	Mr. Efner	Mr. Jones	Mr. Sheppard
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. Sill
Mr. C. Baker	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Mallory	Mr. Speaker
Mr. Barnet	Mr. Fowler	Mr. Mandeville	Mr. Taber
Mr. Bogert	Mr. Franklin	Mr. Mann	Mr. Tailor
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mathews	Mr. Teller
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Titus
Mr. Bradish	Mr. Garbutt	Mr. J. M'Donald	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. M'Niel	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr. Mixer	Mr. P. Van Beuren
Mr. Carrier	Mr. Goodman	Mr. Morell	Mr. Vanderbilt
Mr. Case	Mr. Gosman	Mr. Myers	Mr. Waring
Mr. Chandler	Mr. Graham	Mr. Noble	Mr. Wheeler
Mr. Collier	Mr. J. Hall	Mr. Norton	Mr. Willey
Mr. Curtiss	Mr. Hammond	Mr. Paige	Mr. Williams
Mr. Dana	Mr. Hedges	Mr. Partridge	Mr. Williamson
Mr. Davenport	Mr. Holdridge	Mr. Randall	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Sanford	Mr. Young
Mr. Dean	Mr. Hubbell		94

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the New-York dry dock company,' passed April 12th, 1825," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 110
NAYS 03

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr. Johnson	Mr. Sill
Mr. Armstrong	Mr. Efner	Mr. Jones	Mr. Skinner
Mr. Arnold	Mr. Eldridge	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Keith	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mann	Mr. Stanton
Mr. Barnett	Mr. P. C. Fuller	Mr. Mathews	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. M'Crea	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. J. Van Beuren
Mr. Carley	Mr. Graham	Mr. Noble	Mr. P. Van Beuren
Mr. Carrier	Mr. Graves	Mr. Paige	Mr. Vanderbilt
Mr. Case	Mr. J. Hall	Mr. Partridge	Mr. Waring
Mr. Chandler	Mr. W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Collier	Mr. Hammond	Mr. Randall	Mr. Wheeler
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Dana	Mr. Hedges	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Holdridge	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Defreest	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr. Dyckman	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Dygert	Mr. Jenkins		110

Those who voted in the negative are—

Mr. Davenport	Mr. Dickson	Mr. Norton	3

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An an act to amend an act entitled 'An act to incorporate the president, directors and company of the Fulton Bank of the city of New-York,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 99
NAYS 05

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jones	Mr. Skinner
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. Sloughter
Mr. Austin	Mr. Eldridge	Mr. Keith	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Stanton
Mr. Baragar	Mr. Franklin	Mr. Mathews	Mr. Starr
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Taber
Mr. Bogert	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Gosman	Mr Myers	Mr. J. Van Beuren
Mr. Carley	Mr. Graham	Mr. Noble	Mr. P. Van Beuren
Mr. Case	Mr Graves	Mr. Paige	Mr. Vanderbilt
Mr. Chandler	Mr. J. Hall	Mr. Partridge	Mr. Waring
Mr. Collier	Mr W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Curtiss	Mr. Hammond	Mr. Randall	Mr. Wheeler
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Dyckman	Mr. Jenkins	Mr. Sill	99

Those who voted in the negative are—

Mr. Edgerton	Mr. Norton	Mr. Speaker	Mr. Williamson
Mr. Johnson			5

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act for the relief of the widow and heirs of the late Captain Isaiah Wool," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative. two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	99
NAYS	01

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Efner	Mr. Keith	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Lindsley	Mr. A. Smith
Mr. Austin	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bacon	Mr. Fitch	Mr. Mallory	Mr. L. Smith
Mr. Bailey	Mr. Fleming	Mr. Mandeville	Mr. Speaker
Mr. C. Baker	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. E. Baker	Mr. Franklin	Mr. M'Crea	Mr. Starr
Mr. Baragar	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Barnett	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Bogert	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Bostwick	Mr. Goodman	Mr. Myers	Mr. Titus
Mr. Boynton	Mr. Gosman	Mr. Noble	Mr. Tower
Mr. Bradish	Mr. Graham	Mr. Norton	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. Graves	Mr. Paige	Mr. P. Van Beuren
Mr. Brown	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Phoenix	Mr. Van Wyck

Mr. Case	Mr. Hammond	Mr. Randall	Mr. Waugh
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Dana	Mr. Hedges	Mr. Sanford	Mr. White
Mr. Davenport	Mr. Hubbard	Mr. Savage	Mr. Willey
Mr. Dayton	Mr. Ives	Mr. Scott	Mr. Williams
Mr. Dean	Mr. Jenkins	Mr. Seeley	Mr. Williamson
Mr. Dickson	Mr. Johnson	Mr. Sheppard	Mr. Wyckoff
Mr. Dyckman	Mr. Jones	Mr. Sill	Mr. Young
Mr. Edgerton	Mr. Judd	Mr. Skinner	99

Those who voted in the negative are—

Mr. Carrier 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act entitled 'An act extending and supplementary to certain acts providing for the indigent deaf and dumb within this state,' passed April 15th, 1825," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 105}
{NAYS 02}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dickson	Mr. Jenkins	Mr. Sill
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. Sloughter
Mr. Austin	Mr. Efner	Mr. Judd	Mr. A. Smith
Mr. Bailey	Mr. Eldridge	Mr. Keith	Mr. H. D. Smith
Mr. C. Baker	Mr. Falley	Mr. Lindsley	Mr. L. Smith
Mr. E. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr Fleming	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. Mann	Mr. Taber
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. Tailor
Mr. Boynton	Mr. P. C. Fuller	Mr. M'Crea	Mr. Teller
Mr. Bradish	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. Garbutt	Mr. M'Niel	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Mixer	Mr. J. Van Beuren
Mr. Burt	Mr. Garnsey	Mr Myers	Mr. P. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Norton	Mr. Vanderbilt
Mr. Carrier	Mr. Graham	Mr. Paige	Mr. Waring
Mr. Case	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. W. Hall	Mr. Randall	Mr. Wheeler
Mr. Collier	Mr. Hammond	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Hedges	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Hubbard	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Hubbell	Mr. Seeley	Mr. Wyckoff
Mr. Dean	Mr. Ives	Mr. Sheppard	Mr. Young
Mr. Defreest			105

Those who voted in the negative are—

Mr. Edgerton Mr. Gosman 2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Livingston County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	95
NAYS	18

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Ives	Mr. Sill
Mr. Arnold	Mr. Defreest	Mr. Jenkins	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Jones	Mr. A. Smith
Mr. Bacon	Mr. Eldridge	Mr. Judd	Mr. H. D. Smith
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. L. Smith
Mr. C. Baker	Mr. Fillmore	Mr. Lindsley	Mr. Spier
Mr. E. Baker	Mr. Fitch	Mr. Mallory	Mr. Stanton
Mr. Baragar	Mr. Fleming	Mr. Mandeville	Mr. Starr
Mr. Barnett	Mr. Fowler	Mr. M'Crea	Mr. Taber
Mr. Bogert	Mr. Franklin	Mr. J. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Teller
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Tower
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. J. Van Beuren
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. P. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Norton	Mr. Van Wyck
Mr. Carley	Mr. Graves	Mr. Paige	Mr. Waring
Mr. Carrier	Mr. J. Hall	Mr. Partridge	Mr. Waugh
Mr. Case	Mr. W. Hall	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hammond	Mr. Randall	Mr. White
Mr. Collier	Mr. Hascall	Mr. Sanford	Mr. Willey
Mr. Curtiss	Mr. Hazeltine	Mr. Savage	Mr. Williams
Mr. Dana	Mr Heermans	Mr. Scott	Mr. Wyckoff
Mr. Davenport	Mr. Holdridge	Mr. Seeley	Mr. Young
Mr. Dayton	Mr. Hubbell	Mr. Sheppard	95

Those who voted in the negative are—

Mr. Al Burtis	Mr. Graham	Mr. Mathews	Mr. Sloughter
Mr. Dyckman	Mr. Hedges	Mr. W. M'Donald	Mr. Speaker
Mr. Edgerton	Mr. Johnson	Mr. Noble	Mr. Titus
Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. Redfield	Mr. Williamson
Mr. Gosman	Mr. Mann		18

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Schenectady in the city of Schenectady," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES	80
NAYS	33

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dana	Mr. Jenkins	Mr. Savage
Mr. Arnold	Mr. Dayton	Mr. Jones	Mr. Scott
Mr. Austin	Mr. Dean	Mr. Keith	Mr. Sheppard
Mr. Bacon	Mr. Efner	Mr. Lindsley	Mr. Skinner
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. H. D. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. Fowler	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. J. M'Donald	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Taber
Mr. Bostwick	Mr. Gardner	Mr. Mixer	Mr. Tower
Mr. Boynton	Mr. Garnsey	Mr. Morell	Mr. J. Van Beuren
Mr. Bradish	Mr. Goodman	Mr. Myers	Mr. P. Van Beuren
Mr. Burt	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Carrier	Mr. Hascall	Mr. Paige	Mr. White
Mr. Case	Mr. Hazeltine	Mr. Phoenix	Mr. Willey
Mr. Chandler	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Collier	Mr. Holdridge	Mr. Redfield	Mr. Wyckoff
Mr. Curtiss	Mr. Hubbell	Mr. Sanford	Mr. Young 80

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fitch	Mr. C. L. Livingston	Mr. Speaker
Mr. Brown	Mr. W. K. Fuller	Mr. Mann	Mr. Tailor
Mr. Davenport	Mr. Gosman	Mr. Mathews	Mr. Teller
Mr. Defreest	Mr. Graham	Mr. Partridge	Mr. Titus
Mr. Dyckman	Mr. J. Hall	Mr. Seeley	Mr. Vanderbilt
Mr. Dygert	Mr. Hedges	Mr. Sill	Mr. Van Wyck
Mr. Edgerton	Mr. Johnson	Mr. Sloughter	Mr. Waugh
Mr. Eldridge	Mr. Judd	Mr. A. Smith	Mr. Williamson
Mr. Falley			33

The engrossed bill entitled "An act to incorporate the president, directors and company of the Farmers' and Mechanics' Bank of Catskill," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES	85
NAYS	30

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Defreest	Mr. Hubbell	Mr. Scott
Mr. Arnold	Mr. Efner	Mr. Jenkins	Mr. Seeley
Mr. Austin	Mr. Eldridge	Mr. Jones	Mr. Sheppard
Mr. Bacon	Mr. Fillmore	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. A. Smith
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. Franklin	Mr. Mandeville	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Crea	Mr. Starr
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Bostwick	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Boynton	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Burt	Mr. Graves	Mr. Myers	Mr. P. Van Beuren

Mr. Carley	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Heermans	Mr. Redfield	Mr. Williams
Mr. Dana	Mr. Holdridge	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Young
Mr. Dean			85

Those who voted in the negative are—

Mr. Al Burtis	Mr. W. K. Fuller	Mr. Mathews	Mr. Speaker
Mr. Brown	Mr. Garbutt	Mr. J. M'Donald	Mr. Tailor
Mr. Chandler	Mr. Graham	Mr. Noble	Mr. Titus
Mr. Davenport	Mr. J. Hall	Mr. Partridge	Mr. Vanderbilt
Mr. Dyckman	Mr. Hedges	Mr. Sill	Mr. Van Wyck
Mr. Dygert	Mr. Johnson	Mr. Sloughter	Mr. Waugh
Mr. Edgerton	Mr. C. L. Livingston	Mr. L. Smith	Mr. Williamson
Mr. Falley	Mr. Mann		30

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Otsego County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative. two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 86}
{NAYS 28}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Hubbell	Mr. Savage
Mr. Arnold	Mr. Dean	Mr Jenkins	Mr. Scott
Mr. Austin	Mr. Efner	Mr. Jones	Mr. Sheppard
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. H. D. Smith
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. L. Smith
Mr. E. Baker	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Barnett	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Bostwick	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Boynton	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. Morell	Mr. J. Van Beuren
Mr. Brown	Mr. Graves	Mr. Myers	Mr. P. Van Beuren
Mr. Burt	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Carrier	Mr. Hascall	Mr. Paige	Mr. White
Mr. Case	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Chandler	Mr. Hedges	Mr. Phoenix	Mr. Williams
Mr. Collier	Mr. Heermans	Mr. Randall	Mr. Wyckoff
Mr. Curtiss	Mr. Holdridge	Mr. Sanford	Mr. Young
Mr. Dana	Mr. Hubbard		86

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Mann	Mr. A. Smith	
Mr. Davenport	Mr. Fleming	Mr. Mathews	Mr. Speaker	
Mr. Defreest	Mr. W. K. Fuller	Mr. M'Crea	Mr. Tailor	
Mr. Dyckman	Mr. Graham	Mr. Redfield	Mr. Titus	
Mr. Dygert	Mr. J. Hall	Mr. Seeley	Mr. Vanderbilt	
Mr. Edgerton	Mr. Johnson	Mr. Sill	Mr. Waugh	
Mr. Eldridge	Mr. C. L. Livingston	Mr. Sloughter	Mr. Williamson	28

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill. entitled "An act to incorporate the president, directors and company of the Saratoga County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 86
NAYS 25

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Hubbell	Mr. Seeley	
Mr. Armstrong	Mr. Efner	Mr. Jenkins	Mr. Sheppard	
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. Skinner	
Mr. Austin	Mr. Fillmore	Mr. Jones	Mr. H. D. Smith	
Mr. Bacon	Mr. Fitch	Mr. Judd	Mr. L. Smith	
Mr. Bailey	Mr. Fleming	Mr. Keith	Mr. Spier	
Mr. C. Baker	Mr. Fowler	Mr. Lindsley	Mr. Stanton	
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. Starr	
Mr. Barnett	Mr. Garbutt	Mr. Mandeville	Mr. Teller	
Mr. Bogert	Mr. Gardner	Mr. M'Crea	Mr. Tower	
Mr. Bostwick	Mr. Garnsey	Mr. J. M'Donald	Mr. J. Van Beuren	
Mr. Boynton	Mr. Goodman	Mr. W. M'Donald	Mr. P. Van Beuren	
Mr. Bradish	Mr. Gosman	Mr. M'Niel	Mr. Van Wyck	
Mr. Brown	Mr. Graves	Mr. Morell	Mr. Waring	
Mr. Carrier	Mr. J. Hall	Mr. Myers	Mr. Waugh	
Mr. Case	Mr. W. Hall	Mr. Noble	Mr. Wheeler	
Mr. Collier	Mr. Hammond	Mr. Paige	Mr. White	
Mr. Curtiss	Mr. Hascall	Mr. Partridge	Mr. Willey	
Mr. Dana	Mr. Hazeltine	Mr. Randall	Mr. Williams	
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Wyckoff	
Mr. Dayton	Mr. Heermans	Mr. Scott	Mr. Young	
Mr. Dean	Mr. Hubbard			86

Those who voted in the negative are—

Mr. Baragar	Mr. Graham	Mr. Phoenix	Mr. Speaker	
Mr. Burt	Mr. C. L. Livingston	Mr. Redfield	Mr. Taber	
Mr. Carley	Mr. Mann	Mr. Savage	Mr. Tailor	
Mr. Dygert	Mr. Mathews	Mr. Sill	Mr. Titus	
Mr. Edgerton	Mr. Mixer	Mr. Sloughter	Mr. Vanderbilt	
Mr. Eldridge	Mr. Norton	Mr. A. Smith	Mr. Williamson	
Mr. W. K. Fuller				25

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Onondaga County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill. and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 71
NAYS 37}

Those who voted in the affirmative are—

Mr. Arnold
Mr. Austin
Mr. Bacon
Mr. Bailey
Mr. C. Baker
Mr. E. Baker
Mr. Baragar
Mr. Barnet
Mr. Bostwick
Mr. Boynton
Mr. Bradish
Mr. Brown
Mr. Burt
Mr. Carley
Mr. Case
Mr. Chandler
Mr. Collier
Mr. Curtiss
Mr. Dana
Mr. Dayton
Mr. Dean
Mr. Defreest
Mr. Fillmore
Mr. Fitch
Mr. Fleming
Mr. Fowler
Mr. P. C. Fuller
Mr. Goodman
Mr. J. Hall
Mr. W. Hall
Mr. Hammond
Mr. Hascall
Mr. Hazeltine
Mr. Heermans
Mr. Hubbard
Mr. Hubbell
Mr. Jenkins
Mr. Johnson
Mr. Jones
Mr. Lindsley
Mr. Mallory
Mr. Mandeville
Mr. J. M'Donald
Mr. Mixer
Mr. Morell
Mr. Myers
Mr. Noble
Mr. Norton
Mr. Paige
Mr. Partridge
Mr. Randall
Mr. Seeley
Mr. Sheppard
Mr. Skinner
Mr. H. D. Smith
Mr. L. Smith
Mr. Spier
Mr. Stanton
Mr. Starr
Mr. Taber
Mr. Teller
Mr. Tower
Mr. J. Van Beuren
Mr. P. Van Beuren
Mr. Vanderbilt
Mr. Waring
Mr. Wheeler
Mr. White
Mr. Willey
Mr. Williams
Mr. Young

71

Those who voted in the negative are—

Mr. Al Burtis
Mr. Bogert
Mr. Carrier
Mr. Davenport
Mr. Dyckman
Mr. Dygert
Mr. Edgerton
Mr. Eldridge
Mr. Falley
Mr. Franklin
Mr. W. K. Fuller
Mr. Garbutt
Mr. Gardner
Mr. Garnsey
Mr. Gosman
Mr. Graham
Mr. Hedges
Mr. Holdridge
Mr. Keith
Mr. C. L. Livingston
Mr. Mann
Mr. Mathews
Mr. M'Crea
Mr. W. M'Donald
Mr. Phoenix
Mr. Redfield
Mr. Savage
Mr. Scott
Mr. Sill
Mr. Sloughter
Mr. A. Smith
Mr. Speaker
Mr. Tailor
Mr. Titus
Mr. Van Wyck
Mr. Waugh
Mr. Williamson

37

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Farmers' and Manufacturers' Bank of the city of Hudson," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 68
NAYS 46}

Those who voted in the affirmative are—

Mr. Armstrong
Mr. Arnold
Mr. Austin
Mr. Bacon
Mr. Bailey
Mr. C. Baker
Mr. E. Baker
Mr. Collier
Mr. Curtiss
Mr. Davenport
Mr. Dayton
Mr. Dean
Mr. Defreest
Mr. Efner
Mr. Hubbell
Mr. Jenkins
Mr. Judd
Mr. Keith
Mr. Lindsley
Mr. Mallory
Mr. Mandeville
Mr. Seeley
Mr. Sheppard
Mr. Skinner
Mr. L. Smith
Mr. Spier
Mr. Stanton
Mr. Starr

Mr. Baragar	Mr. Fowler	Mr. Mathews	Mr. Tailor
Mr. Bogert	Mr. Franklin	Mr. M'Crea	Mr. Teller
Mr. Bostwick	Mr. Gardner	Mr. W. M'Donald	Mr. Tower
Mr. Boynton	Mr. Goodman	Mr. Morell	Mr. J. Van Beuren
Mr. Bradish	Mr. W. Hall	Mr. Myers	Mr. P. Van Beuren
Mr. Brown	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Carley	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Carrier	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Case	Mr. Holdridge	Mr. Redfield	Mr. Wyckoff
Mr. Chandler	Mr. Hubbard	Mr. Sanford	Mr. Young 68

Those who voted in the negative are—

Mr. Al Burtis	Mr. P. C. Fuller	Mr. Mann	Mr. A. Smith
Mr. Barnet	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. H. D. Smith
Mr. Burt	Mr. Garbutt	Mr. M'Niel	Mr. Speaker
Mr. Dana	Mr. Garnsey	Mr. Mixer	Mr. Taber
Mr. Dyckman	Mr. Gosman	Mr. Noble	Mr. Titus
Mr. Dygert	Mr. Graham	Mr. Norton	Mr. Vanderbilt
Mr. Edgerton	Mr. J. Hall	Mr. Partridge	Mr. Van Wyck
Mr. Eldridge	Mr. Hazeltine	Mr. Savage	Mr. Waugh
Mr. Falley	Mr. Hedges	Mr. Scott	Mr. White
Mr. Fillmore	Mr. Johnson	Mr. Sill	Mr. Willey
Mr. Fitch	Mr. Jones	Mr. Sloughter	Mr. Williamson
Mr. Fleming	Mr. C. L. Livingston		46

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Wayne County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 84}
{NAYS 25}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Johnson	Mr. Sheppard
Mr. Austin	Mr. Dygert	Mr. Jones	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr. Fillmore	Mr. Keith	Mr. H. D. Smith
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. L. Smith
Mr. Baragar	Mr. Fleming	Mr. Mallory	Mr. Spier
Mr. Barnett	Mr. Fowler	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Franklin	Mr. Mathews	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Gardner	Mr. Morell	Mr. Tower
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Goodman	Mr. Noble	Mr. P. Van Beuren
Mr. Carley	Mr. Graves	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. J. Hall	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. W. Hall	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Holdridge	Mr. Savage	Mr. Young 84

Those who voted in the negative are—

Mr. Al Burtis	Mr. Graham	Mr. M'Crea	Mr. Speaker
Mr. Bailey	Mr. Hedges	Mr. W. M'Donald	Mr. Tailor
Mr. Curtiss	Mr. Hubbard	Mr. Redfield	Mr. Titus
Mr. Davenport	Mr. Hubbell	Mr. Seeley	Mr. Vanderbilt
Mr. Dyckman	Mr. C. L. Livingston	Mr. Sloughter	Mr. Waugh
Mr. Edgerton	Mr. Mann	Mr. A. Smith	Mr. Williamson
Mr. Gosman			25

The Senate returned, by their clerk, the bill entitled "An act relative to monies in the hands of overseers of the poor;" the bill entitled "An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes;" the bill entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua;'" and the engrossed bill entitled "An act incorporating the firemen of the city of Troy by the name of the Fire department of the city of Troy."

Ordered, That the clerk deliver the said bills to the acting Governor.

A communication from the commissioners of the land-office was read, in the words following, to wit:

The commissioners of the land-office, to whom the memorial of Jedediah Morse, the report of a committee thereon, and a bill for his relief, were referred by the Assembly, reported:

That in the year 1823, the commissioners of the land-office leased to said Morse, a farm in the town of Burlington in the county of Otsego, belonging to the people of this state; and for the purpose of putting him in possession under his lease, an action of ejectment was commenced in the fall of that year by the then attorney-general, against one Dorcas Morse. The declaration, besides a count on the demise of the people, also contained a count on the demise of said Morse, which might have been ejected on the ground of the right of possession he had acquired by the lease. The suit remained pending until near the close of the year 1828, when the defendant obtained a judgment as in case of non-suit, for not bringing the suit to trial pursuant to the course and practice of the court. There had been one trial of the suit, and a verdict for the plaintiff, which had subsequently been set aside: why the suit was not again brought to trial, the commissioners of the land-office are not informed.

In the progress of the cause, the petitioner paid some costs to the defendant, and is now liable (as one of the lessors of the plaintiff) to pay the general costs of the suit, which the defendant may collect by attachment.

Considering this act as a proceeding on behalf of the people of this state, and not a suit by the petitioner, the commissioners of the land-office are of opinion that the petitioner ought to be indemnified against the cost he has paid and is liable to pay to the defendant.

Ordered, That the said bill, together with the preceding communication, be referred to a select committee, consisting of Mr. W. Hall, Mr. Dana and Mr. Morell.

Nine several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act requiring the publication of notices in certain cases;" the bill entitled "An act to incorporate the Deep Hollow branch turnpike road company;" the bill entitled "An act relative to firemen in the village of Rochester;" the bill entitled "An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus;" the bill entitled "An act relative to the bridge across the outlet of Long lake in Saratoga county;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Oswego;'" the bill entitled "An act to extend the time for completing the Newtown turnpike road;" the bill entitled "An act concerning school districts number two and five in the town of Kinderhook;" and the bill entitled "An act to incorporate the Salina and Port Watson rail-road company," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

And then the house adjourned until four o'clock this afternoon.

4 O'CLOCK P. M.

The House met pursuant to adjournment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act relative to the Revised Statutes, so far as relates to the establishment of a poor-house in the county of Allegany," and find the same correctly engrossed.

The said engrossed bill, entitled "An act relative to the Revised Statutes, so far as relates to the establishment of a poor-house in the county of Allegany," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill entitled "An act to enable certain aliens therein mentioned, to take, hold, and convey real estate, and for other purposes," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the widow and children of James Usher," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Jenkins	Mr. Skinner
Mr. Armstrong	Mr. Edgerton	Mr. Johnson	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Jones	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Lindsley	Mr. L. Smith
Mr. C. Baker	Mr Fleming	Mr. Mallory	Mr. Speaker
Mr. Barnet	Mr. Fowler	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. P. C. Fuller	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Gardner	Mr. J. M'Donald	Mr. Teller
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Tower
Mr. Cargill	Mr. Goodman	Mr. M'Niel	Mr. J. Van Beuren
Mr. Carrier	Mr. Graham	Mr Myers	Mr. Vanderbilt
Mr. Case	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Chandler	Mr. J. Hall	Mr. Paige	Mr. Waugh
Mr. Collier	Mr. W. Hall	Mr. Partridge	Mr. Wheeler
Mr. Curtiss	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Dana	Mr. Hascall	Mr. Sanford	Mr. Willey
Mr. Davenport	Mr. Hazeltine	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Hedges	Mr. Seeley	Mr. Williamson
Mr. Dean	Mr. Heermans	Mr. Sheppard	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Sill	Mr. Young
Mr. Dyckman			93

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to incorporate the Presbyterian church of Peekskill," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	86
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Jones	Mr. L. Smith
Mr. Armstrong	Mr. Dygert	Mr. Judd	Mr. Speaker
Mr. Arnold	Mr. Edgerton	Mr. Keith	Mr. Spier
Mr. Austin	Mr. Eldridge	Mr. Lindsley	Mr. Stanton
Mr. Bacon	Mr. Falley	Mr. Mallory	Mr. Starr
Mr. Bailey	Mr. Fillmore	Mr. Mandeville	Mr. Taber
Mr. C. Baker	Mr. Fitch	Mr. J. M'Donald	Mr. Tailor
Mr. Barnett	Mr. Fleming	Mr. W. M'Donald	Mr. Teller
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Titus
Mr. Boynton	Mr. W. K. Fuller	Mr. Myers	Mr. Tower
Mr. Brown	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Carley	Mr. Gardner	Mr. Paige	Mr. Vanderbilt
Mr. Carrier	Mr. Garnsey	Mr. Partridge	Mr. Van Wyck
Mr. Case	Mr. Goodman	Mr. Sanford	Mr. Waugh
Mr. Chandler	Mr. Graham	Mr. Savage	Mr. Wheeler
Mr. Collier	Mr. J. Hall	Mr. Seeley	Mr. White
Mr. Curtiss	Mr. W. Hall	Mr. Sheppard	Mr. Willey
Mr. Dana	Mr. Hascall	Mr. Sill	Mr. Williams
Mr. Davenport	Mr. Hazeltine	Mr. Skinner	Mr. Williamson
Mr. Dayton	Mr. Hedges	Mr. A. Smith	Mr. Wyckoff
Mr. Dean	Mr. Heermans	Mr. H. D. Smith	Mr. Young
Mr. Defreest	Mr. Johnson		

86

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to authorise the commissioners of highways of the town of Deerfield and county of Oneida, and of the town of Schuyler in the county of Herkimer, to divide a certain road into road districts," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act authorising the canal commissioners to lower the waters of Oneida lake, and for other purposes," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that it be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. C. L. Livingston offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Wayne County Bank."

Ordered, That the said resolution be laid upon the table.

Ordered. That Mr. P. Van Beuren have leave of absence for three days, Mr. T. L. Smith for three days, and Mr. H. W. Livingston for the remainder of the session.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act making further appropriations to complete the Cayuga and Seneca canal," with the amendments therewith delivered.

The said bill and amendments were read,

Ordered, That the same be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entiled "An act to authorise the commissioners for the diversion of the surplus waters of Black river, to levy a tax to effect that object." and have amended the said bill accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the Senate, delivered by their clerk, with the bill, amendments and a copy of the resolution therein mentioned, was read, informing that they do non-concur with this house in its amendments to the bill entitled "An act relative to the city of Troy."

Thereupon,

Mr. Speaker put the question whether the house would agree to recede from its amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	94
NAYS	01

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Johnson	Mr. Skinner
Mr. Armstrong	Mr. Defreest	Mr. Jones	Mr. Sloughter
Mr. Arnold	Mr. Dyckman	Mr. Judd	Mr. A. Smith
Mr. Austin	Mr. Dygert	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Edgerton	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bailey	Mr. Eldridge	Mr. Mallory	Mr. Speaker
Mr. C. Baker	Mr. Falley	Mr. Mann	Mr. Spier
Mr. E. Baker	Mr. Fillmore	Mr. M'Crea	Mr. Stanton
Mr. Barnett	Mr. Fitch	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. Fowler	Mr. W. M'Donald	Mr. Taber
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Tailor
Mr. Boynton	Mr. W. K. Fuller	Mr. Myers	Mr. Titus
Mr. Bradish	Mr. Garbutt	Mr. Noble	Mr. Tower
Mr. Brown	Mr. Gardner	Mr. Paige	Mr. Vanderbilt
Mr. Burt	Mr. Garnsey	Mr. Partridge	Mr. Van Wyck
Mr. Carley	Mr. Goodman	Mr. Phoenix	Mr. Waugh
Mr. Carrier	Mr. J. Hall	Mr. Randall	Mr. Wheeler
Mr. Case	Mr. W. Hall	Mr. Sanford	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Savage	Mr. Willey
Mr. Collier	Mr. Hazeltine	Mr. Scott	Mr. Williams
Mr. Curtiss	Mr. Hedges	Mr. Seeley	Mr. Williamson
Mr. Dana	Mr. Holdridge	Mr. Sheppard	Mr. Wyckoff
Mr. Davenport	Mr. Hubbell	Mr. Sill	Mr. Young
Mr. Dayton	Mr. Jenkins		94

Those who voted in the negative are—

Mr. Graves	1

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house do recede from its amendments to the said bill.

A message from the Senate, delivered by their clerk, with the bill, amendments and copies of the resolutions therein mentioned, was read, informing that they have concurred with this house in its amendments to the amendments of the Senate to the bill entitled "An act to provide for the support of aged and indigent seamen and the house of refuge for juvenile delinquents in the city of New-York," and do insist upon the amendments non-concurred in by the house.

The said bill and amendments were read.

Thereupon,

Ordered, That the same be referred to a select committee, consisting of Mr. Hubbell, Mr. Dyckman and Mr. Bradish, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act for the relief of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Dygert	Mr. Johnson	Mr Sill
Mr. Austin	Mr. Edgerton	Mr. Jones	Mr. Skinner
Mr. Bacon	Mr. Eldridge	Mr. Judd	Mr. Sloughter
Mr. Bailey	Mr. Falley	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Fillmore	Mr. C. L. Livingston	Mr. Speaker
Mr. E. Baker	Mr. Fitch	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr. Fowler	Mr. Mann	Mr. Stanton
Mr. Bogert	Mr. W. K. Fuller	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Taber
Mr. Boynton	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. Tower
Mr. Burt	Mr. Graves	Mr. Myers	Mr. J. Van Beuren
Mr. Carley	Mr. J. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Carrier	Mr. W. Hall	Mr. Paige	Mr. Van Wyck
Mr. Case	Mr. Hammond	Mr. Partridge	Mr. Wheeler
Mr. Chandler	Mr. Hascall	Mr. Phoenix	Mr. White
Mr. Collier	Mr. Hazeltine	Mr. Randall	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Sanford	Mr. Williams
Mr. Dana	Mr. Heermans	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Holdridge	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Hubbell	Mr. Seeley	Mr. Young 92

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend section ten, title ten, chapter twenty, of the first part of the revised statutes," with the amendment therewith delivered; the said

amendment being, to alter the title to "An act concerning vessels lying in the bay and harbor of New-York."

The said bill and amendment were read; and the amendment having been again read, and concurred in.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A communication from David Hosack, was read, in the words following, to wit:

New-York, *April* 23, 1829.

SIR,

I have the honor to present to the House of Assembly, a copy of the accompanying memoir of his late excellency, De Witt Clinton, of which I respectfully beg their acceptance.

I have the honor, Sir, to be
Your humble servant,
DAVID HOSACK.

To the Speaker of the Assembly.

Thereupon,

On motion of Mr. Skinner,

Resolved, That the valuable memoir of De Witt Clinton, presented to this house by Dr. Hosack, be deposited in the state library.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to divide the town of Constable."

"An act to authorise the supervisors of the county of Orleans to raise money to build a bridge across the Oak-orchard and Marsh creeks in the town of Carlton."

E. T. THROOP.

Albany, *April* 25, 1829.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to divide the town of Ellington in the county of Chautauque," and that the same be referred to a select committee, consisting of Mr. Hazeltine, Mr. Mixer and Mr. Fillmore, to consider and report thereon.

Mr. White, from the select committee to which was committed the bill entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company,'" reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Eldridge, from the committee of ways and means, to which was referred the communication from the surveyor-general relative to certain expenditures in repairing the Capitol building, and in pursuance of a resolution instructing the committee of ways and means to prepare and report a bill for the payment of certain officers of government, asked for and obtained leave to bring in a bill entitled "An act for the payment of certain officers and expenses of government;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of John Sargeant;"

and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Edgerton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

{AYES 60}
{NAYS 29}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Fitch	Mr. Hubbard	Mr. Randall
Mr. Bacon	Mr. Fowler	Mr Hubbell	Mr Seeley
Mr. Bailey	Mr. P. C. Fuller	Mr. Jenkins	Mr. Sheppard
Mr. C. Baker	Mr. W. K Fuller	Mr. Johnson	Mr. Sill
Mr. Bostwick	Mr. Garbutt	Mr. Jones	Mr. Skinner
Mr. Bradish	Mr. Gardner	Mr. Judd	Mr. Spier
Mr. Brown	Mr. Goodman	Mr. Lindsley	Mr. Starr
Mr. Burt	Mr. Graves	Mr. C. L. Livingston	Mr. Teller
Mr. Case	Mr. J. Hall	Mr. Mandeville	Mr. Titus
Mr. Chandler	Mr. W. Hall	Mr. J. M'Donald	Mr. Tower
Mr. Curtiss	Mr. Hammond	Mr. M'Niel	Mr. J. Van Beuren
Mr. Dana	Mr. Hazeltine	Mr. Morell	Mr. White
Mr. Dyckman	Mr. Hedges	Mr. Myers	Mr. Williams
Mr. Eldridge	Mr. Heermans	Mr. Norton	Mr. Wyckoff
Mr. Fillmore	Mr. Holdridge	Mr. Phoenix	Mr. Young 60

Those who voted in the negative are—

Mr. Armstrong	Mr. Edgerton	Mr. Paige	Mr. Stanton
Mr. Austin	Mr. Falley	Mr. Sanford	Mr. Taber
Mr. Bogert	Mr. Mann	Mr. Sloughter	Mr. Tailor
Mr. Carley	Mr. Mathews	Mr. A. Smith	Mr. Waugh
Mr. Carrier	Mr. M'Crea	Mr. H. D. Smith	Mr. Wheeler
Mr. Collier	Mr. W. M'Donald	Mr. L. Smith	Mr. Willey
Mr. Dean	Mr. Noble	Mr. Speaker	Mr. Williamson
Mr. Dygert			29

Thereupon,
The bill was ordered to a third reading.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, APRIL 28, 1829.

The House met pursuant to adjournment.

The remonstrance of sundry physicians and surgeons of the city of New-York, against the incorporation of Manhattan college, was read, and referred to a committee of the whole when on the bill to incorporate said college.

Mr. Paige gave notice that he would ask leave to introduce a bill relative to the stock of Union College in the Mohawk Bank.

Thereupon,

By unanimous consent, and in pursuance of said notice, Mr. Paige asked for and obtained leave to bring in a bill entitled "An act to authorise the trustees of Union College to withdraw a part of the stock held by them in the Mohawk Bank;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Paige, Mr. Dana and Mr. Brinkerhoff, to consider and report thereon.

Ordered, That Mr. Mathews have leave of absence for six days.

Mr. W. Hall, from the select committee to which was committed the bill entitled "An act for the relief of Jedediah Morse," and the report of the commissioners of the land-office thereon, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Bostwick, from the select committee to which was committed the bill entitled "An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junius, Seneca-Falls and Tyre, in the county of Seneca," reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Hubbell, from the select committee to which was referred the amendments of the Senate to the bill entitled "An act to provide for the support of aged and indigent seamen and the house of refuge for juvenile delinquents in the city of New-York," reported, that the committee had agreed to recommend that the house should recede from its resolutions of non-concurrence to the amendments adhered to by the Senate.

Thereupon,

Resolved, That this house do recede from its resolutions of non-concurrence to the amendments to the said bill adhered to by the Senate.

Ordered, That the clerk deliver the said bill and amendments, together with a copy of the preceding resolution, to the Senate.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river;" and that the same be referred to a select committee, consisting of Mr. Mandeville, Mr. J. McDonald and Mr. Mallory, to consider and report thereon.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the president, directors and company of the Anthracite foundry," and find the same correctly engrossed.

Thereupon,

Ordered, That the said bill be referred to a select committee, consisting of of the members attending this house from the city and county of New-York.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Cooperstown, Schoharie and Durham turnpike road company;" the engrossed bill entitled "An act relative to the Oxford and Lackawaxen turnpike road company;" and

the engrossed bill entitled "An act to incorporate the Greenwich Bank for Savings," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to incorporate the Cooperstown Schoharie and Durham turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 86
NAYS 08

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Lindsley	Mr. Sill
Mr. Armstrong	Mr. Eldridge	Mr. Mallory	Mr. Skinner
Mr. Arnold	Mr. Fillmore	Mr. Mandeville	Mr. Slaughter
Mr. C. Baker	Mr. Fleming	Mr. Mann	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. L. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. W. M'Donald	Mr. Stanton
Mr. Boynton	Mr. Gardner	Mr. M'Niel	Mr. Starr
Mr. Bradish	Mr. Garnsey	Mr. Myers	Mr. Taber
Mr. Brinkerhoff	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Brown	Mr. J. Hall	Mr. Norton	Mr. J. Van Beuren
Mr. Burt	Mr. Hammond	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. Hedges	Mr. Partridge	Mr. Waring
Mr. Carrier	Mr. Holdridge	Mr. Phoenix	Mr. Waugh
Mr. Chandler	Mr. Hubbard	Mr. Randall	Mr. Wheeler
Mr. Curtiss	Mr. Hubbell	Mr. Redfield	Mr. White
Mr. Dana	Mr. Hynds	Mr. Sanford	Mr. Williams
Mr. Dayton	Mr. Jenkins	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Johnson	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Judd	Mr. Seeley	Mr. Young
Mr. Dyckman	Mr. Keith		

86

Those who voted in the negative are—

Mr. Case	Mr. Edgerton	Mr. Mixer	Mr. A. Smith	
Mr. Davenport	Mr. Goodman	Mr. Sheppard	Mr. Willey	8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act relative to the Oxford and Lackawaxen turnpike road company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 97
NAYS 03

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Johnson	Mr. Sill
Mr. Armstrong	Mr. Efner	Mr. Judd	Mr. Skinner
Mr. Arnold	Mr. Eldridge	Mr. Keith	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fleming	Mr. Mallory	Mr. Speaker
Mr. E. Baker	Mr. Franklin	Mr. Mandeville	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bogert	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. J. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Garnsey	Mr. W. M'Donald	Mr. Teller
Mr. Bradish	Mr. Goodman	Mr. Mixer	Mr. Titus
Mr. Brinkerhoff	Mr. Graham	Mr. Morell	Mr. Tower
Mr. Brown	Mr. J. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. W. Hall	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Van Wyck
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Waring
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. Waugh
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr. Hubbard	Mr. Redfield	Mr. White
Mr. Dana	Mr. Hubbell	Mr. Sanford	Mr. Williams
Mr. Dayton	Mr. Hynds	Mr. Savage	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Scott	Mr. Wyckoff
Mr. Defreest	Mr. Jenkins	Mr. Seeley	Mr. Young
Mr. Dyckman			97

Those who voted in the negative are—

Mr. Davenport	Mr. Fitch	Mr. A. Smith	3

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The said engrossed bill, entitled "An act to incorporate the Greenwich Bank for Savings," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	91
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Hubbell	Mr. A. Smith
Mr. Armstrong	Mr. Dean	Mr. Hynds	Mr. H. D. Smith
Mr. Arnold	Mr. Defreest	Mr Jenkins	Mr. L. Smith
Mr. Austin	Mr. Dyckman	Mr. Johnson	Mr. Speaker
Mr. Bacon	Mr. Dygert	Mr. Keith	Mr. Spier
Mr. Bailey	Mr. Edgerton	Mr. Lindsley	Mr. Stanton
Mr. C. Baker	Mr. Eldridge	Mr. Mallory	Mr. Starr
Mr. E. Baker	Mr. Falley	Mr. Mandeville	Mr. Taber
Mr. Baragar	Mr. Fillmore	Mr. Mann	Mr. Tailor
Mr. Barnett	Mr. Fleming	Mr. M'Crea	Mr. Titus
Mr. Bogert	Mr. Fowler	Mr. J. M'Donald	Mr. Tower
Mr. Bostwick	Mr. Garbutt	Mr. Myers	Mr. J. Van Beuren
Mr. Boynton	Mr. Gardner	Mr. Noble	Mr. Vanderbilt
Mr. Bradish	Mr. Garnsey	Mr. Norton	Mr. Van Wyck
Mr. Brown	Mr. Goodman	Mr. Partridge	Mr. Waring
Mr. Burt	Mr. Graham	Mr. Phoenix	Mr. Waugh

Mr. Carley	Mr. J. Hall	Mr. Redfield	Mr. Wheeler
Mr. Carrier	Mr. W. Hall	Mr. Sanford	Mr. White
Mr. Case	Mr. Hammond	Mr. Scott	Mr. Williams
Mr. Chandler	Mr. Hazeltine	Mr. Seeley	Mr. Williamson
Mr. Curtiss	Mr. Hedges	Mr. Sheppard	Mr. Wyckoff
Mr. Dana	Mr. Heermans	Mr. Sill	Mr. Young
Mr. Davenport	Mr. Hubbard	Mr. Sloughter	91

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to grant certain lands to the heirs of Joseph Hubbard, a revolutionary soldier;" the engrossed bill entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several districts of said town;" and the engrossed bill entitled "An act concerning the dam at the foot of Hemlock lake in the county of Livingston," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to grant certain lands to the heirs of Joseph Hubbard, a revolutionary soldier," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several districts of said town," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act concerning the dam at the foot of Hemlock lake in the county of Livingston," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said several bills to the Senate, and request their concurrence to the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to incorporate the Clinton insurance company in the city of Albany," and the engrossed bill entitled "An act for the relief of Jedediah Morse," and find the said bills severally correctly engrossed.

Ordered, That the said bills be laid upon the table.

Mr. Franklin, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act renewing the charter of the Oriskany manufacturing company," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

The engrossed bill from the Senate, entitled "An act for the relief of John Sargent," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

AYES	62
NAYS	38

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Heermans	Mr. Scott
Mr. Bacon	Mr. Fillmore	Mr. Hubbell	Mr. Seeley
Mr. Bailey	Mr. Fitch	Mr. Hynds	Mr. Sheppard
Mr C. Baker	Mr Fleming	Mr. Jenkins	Mr. Sill
Mr. E. Baker	Mr. Fowler	Mr. Johnson	Mr. Skinner
Mr. Barnet	Mr. P. C. Fuller	Mr. Judd	Mr. Spier
Mr. Bostwick	Mr. W. K. Fuller	Mr. Lindsley	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. C. L. Livingston	Mr. Titus
Mr. Brown	Mr. Gardner	Mr. Mallory	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Mandeville	Mr. J. Van Beuren
Mr. Case	Mr Graves	Mr. J. M'Donald	Mr. Vanderbilt
Mr. Chandler	Mr. J. Hall	Mr. M'Niel	Mr. Van Wyck
Mr. Curtiss	Mr. W. Hall	Mr Myers	Mr. White
Mr. Dana	Mr. Hammond	Mr. Phoenix	Mr. Wyckoff
Mr Defreest	Mr. Hazeltine	Mr. Randall	Mr. Young
Mr. Dyckman	Mr. Hedges		62

Those who voted in the negative are—

Mr. Arnold	Mr. Dygert	Mr. Noble	Mr. Speaker
Mr. Austin	Mr. Edgerton	Mr. Paige	Mr. Stanton
Mr. Bogert	Mr. Falley	Mr. Partridge	Mr. Taber
Mr. Boynton	Mr. Garnsey	Mr. Redfield	Mr. Tailor
Mr. Brinkerhoff	Mr. Graham	Mr. Sanford	Mr. Waring
Mr. Carley	Mr. Ives	Mr. Sloughter	Mr. Waugh
Mr. Carrier	Mr. Keith	Mr. A. Smith	Mr. Wheeler
Mr. Davenport	Mr. Mann	Mr. H. D. Smith	Mr. Willey
Mr. Dayton	Mr. Mathews	Mr. L. Smith	Mr. Williamson
Mr. Dean	Mr. Mixer		38

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. C. L. Livingston; the same was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Wayne County Bank."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94}
{NAYS 16}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dygert	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Eldridge	Mr. Johnson	Mr. Sheppard
Mr. Bacon	Mr. Falley	Mr. Jones	Mr. Sill
Mr. Bailey	Mr. Fillmore	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr. Fitch	Mr. Keith	Mr. Sloughter
Mr. E. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. C. L. Livingston	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. Mallory	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Stanton
Mr. Boynton	Mr. Gardner	Mr. W. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Taber

Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Teller
Mr. Brown	Mr. Graves	Mr. Morell	Mr. Tower
Mr. Burt	Mr. J. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Van Wyck
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Waring
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Collier	Mr. Holdridge	Mr. Phoenix	Mr. Willey
Mr. Curtiss	Mr. Hubbard	Mr. Randall	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Ives		94

Those who voted in the negative are—

Mr. Al Burtis	Mr. Graham	Mr. M'Crea	Mr. Tailor
Mr. Dana	Mr. Hedges	Mr. Redfield	Mr. Vanderbilt
Mr. Davenport	Mr. Mann	Mr. Seeley	Mr. Waugh
Mr. W. K. Fuller	Mr. Mathews	Mr. A. Smith	Mr. Williamson 16

Thereupon,

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	89
NAYS	21

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Defreest	Mr. Jenkins	Mr. Savage
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Scott
Mr. Bacon	Mr. Eldridge	Mr. Jones	Mr. Sheppard
Mr. Bailey	Mr. Fillmore	Mr. Judd	Mr. Sill
Mr. C. Baker	Mr. Fitch	Mr. Keith	Mr. Skinner
Mr. E. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. Mallory	Mr. L. Smith
Mr. Barnett	Mr. Franklin	Mr. Mandeville	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. W. M'Donald	Mr. Taber
Mr. Bradish	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. Graves	Mr. Morell	Mr. J. Van Beuren
Mr. Burt	Mr. J. Hall	Mr. Myers	Mr. Van Wyck
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Chandler	Mr. Heermans	Mr. Partridge	Mr. Willey
Mr. Collier	Mr. Hubbard	Mr. Phoenix	Mr. Williams
Mr. Dana	Mr. Hynds	Mr. Randall	Mr. Wyckoff
Mr. Dayton	Mr. Ives	Mr. Sanford	Mr. Young
Mr. Dean			89

Those who voted in the negative are—

Mr. Al Burtis	Mr. Holdridge	Mr. Redfield	Mr. Tailor
Mr. Curtiss	Mr. Hubbell	Mr. Seeley	Mr. Titus
Mr. Davenport	Mr. C. L. Livingston	Mr. Sloughter	Mr. Vanderbilt
Mr. Edgerton	Mr. Mann	Mr. A. Smith	Mr. Waugh
Mr. W. K. Fuller	Mr. M'Crea	Mr. Speaker	Mr. Williamson
Mr. Graham			21

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act renewing the charter of the Oriskany manufacturing company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	97
NAYS	00

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Keith	Mr. Sill
Mr. Armstrong	Mr. Edgerton	Mr. Lindsley	Mr. Skinner
Mr. Arnold	Mr. Eldridge	Mr. C. L. Livingston	Mr. Sloughter
Mr. Austin	Mr. Falley	Mr. Mallory	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. Vandeville	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. M'Crea	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. J. M'Donald	Mr. Speaker
Mr. E. Baker	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Spier
Mr. Baragar	Mr. W. K. Fuller	Mr. M'Niel	Mr. Starr
Mr. Barnet	Mr. Garbutt	Mr. Mixer	Mr. Taber
Mr. Bogert	Mr. Garnsey	Mr. Morell	Mr. Tailor
Mr. Bostwick	Mr. Goodman	Mr. Myers	Mr. Teller
Mr. Boynton	Mr. Graves	Mr. Noble	Mr. Titus
Mr. Bradish	Mr. J. Hall	Mr. Norton	Mr. Tower
Mr. Brinkerhoff	Mr. W. Hall	Mr. Paige	Mr. J. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. Partridge	Mr. Vanderbilt
Mr. Carley	Mr. Hedges	Mr. Phoenix	Mr. Waring
Mr. Carrier	Mr. Heermans	Mr. Randall	Mr. Waugh
Mr. Chandler	Mr. Hubbell	Mr. Redfield	Mr. Wheeler
Mr. Curtiss	Mr. Hynds	Mr. Sanford	Mr. White
Mr. Dana	Mr. Ives	Mr. Savage	Mr. Williams
Mr. Davenport	Mr. Jenkins	Mr. Scott	Mr. Williamson
Mr. Dayton	Mr. Johnson	Mr. Seeley	Mr. Wyckoff
Mr. Dean	Mr. Judd	Mr. Sheppard	Mr. Young
Mr. Dyckman			97

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the Greenwich and Manufacturers' Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	96
NAYS	15

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dean	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Jones	Mr. Seeley
Mr. Austin	Mr. Dygert	Mr. Keith	Mr. Sheppard
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. Sill
Mr. Bailey	Mr. Fillmore	Mr. Mallory	Mr. Sloughter
Mr. C. Baker	Mr. Fitch	Mr. Mandeville	Mr. A. Smith
Mr. E. Baker	Mr. Fleming	Mr. Mann	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. Mathews	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Bogert	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Bostwick	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. Garbutt	Mr. M'Niel	Mr. Taber
Mr. Bradish	Mr. Gardner	Mr. Mixer	Mr. Tailor
Mr. Brinkerhoff	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Brown	Mr. Goodman	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Graves	Mr. Noble	Mr. Vanderbilt
Mr. Carley	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. Hedges	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Willey
Mr. Collier	Mr. Hubbard	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Hubbell	Mr. Redfield	Mr. Williamson
Mr. Dana	Mr. Hynds	Mr. Sanford	Mr Wyckoff
Mr. Dayton	Mr. Ives	Mr. Savage	Mr. Young 96

Those who voted in the negative are—

Mr. Davenport	Mr. Graham	Mr. Judd	Mr. Titus
Mr. Edgerton	Mr. Hazeltine	Mr. C. L. Livingston	Mr. Van Wyck
Mr. Efner	Mr. Holdridge	Mr. Speaker	Mr. Waugh
Mr. Eldridge	Mr. Johnson	Mr. Teller	15

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Ogdensburgh Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 103
NAYS 08

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dygert	Mr. Ives	Mr. Scott
Mr. Armstrong	Mr. Eldridge	Mr. Jenkins	Mr. Seeley
Mr. Arnold	Mr. Falley	Mr. Johnson	Mr. Sheppard
Mr. Bacon	Mr. Fillmore	Mr. Jones	Mr. Sill
Mr. Bailey	Mr. Fitch	Mr. Judd	Mr. Skinner
Mr. C. Baker	Mr Fleming	Mr. Keith	Mr. Sloughter
Mr. E. Baker	Mr. Fowler	Mr. Lindsley	Mr. H. D. Smith
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. L. Smith
Mr. Barnet	Mr. P. C. Fuller	Mr. Mandeville	Mr. Spier
Mr Bogert	Mr. W. K. Fuller	Mr. Mathews	Mr. Stanton
Mr. Bostwick	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. Gardner	Mr. J. M'Donald	Mr. Taber
Mr. Bradish	Mr. Garnsey	Mr. W. M'Donald	Mr. Tailor
Mr. Brinkerhoff	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Tower

Mr. Burt	Mr Graves	Mr. Morell	Mr. J. Van Beuren
Mr. Carley	Mr. J. Hall	Mr Myers	Mr. Waring
Mr. Carrier	Mr. W. Hall	Mr. Noble	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Chandler	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Collier	Mr. Hedges	Mr. Partridge	Mr. Willey
Mr. Curtiss	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Dana	Mr. Holdridge	Mr. Randall	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. Young
Mr. Defreest	Mr. Hynds	Mr. Savage	103

Those who voted in the negative are—

Mr. Davenport	Mr. C. L. Livingston	Mr. A. Smith	Mr. Titus	
Mr. Edgerton	Mr. Mann	Mr. Speaker	Mr. Van Wyck	8

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Madison County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 79}
{NAYS 27}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dygert	Mr. Ives	Mr. Savage
Mr. Arnold	Mr. Eldridge	Mr. Jenkins	Mr. Scott
Mr. Bacon	Mr. Falley	Mr. Johnson	Mr. Sheppard
Mr. Bailey	Mr. Fillmore	Mr. Keith	Mr. Sill
Mr. Baregar	Mr. Fitch	Mr. Lindsley	Mr. Skinner
Mr. Barnett	Mr. Fleming	Mr. Mallory	Mr. H. D. Smith
Mr. Bostwick	Mr. Fowler	Mr. Mandeville	Mr. Spier
Mr. Boynton	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Bradish	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Brinkerhoff	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Brown	Mr. Garbutt	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. Gardner	Mr. Mixer	Mr. J. Van Beuren
Mr. Carley	Mr. Goodman	Mr. Morell	Mr. Waring
Mr. Carrier	Mr. Graves	Mr. Myers	Mr. Wheeler
Mr. Case	Mr. W. Hall	Mr. Norton	Mr. White
Mr. Chandler	Mr. Hammond	Mr. Paige	Mr. Willey
Mr. Collier	Mr. Hazeltine	Mr. Partridge	Mr. Williams
Mr. Dana	Mr. Hubbard	Mr. Phoenix	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Randall	Mr. Young
Mr. Defreest	Mr. Hynds	Mr. Sanford	79

Those who voted in the negative are—

Mr. Al Burtis	Mr. J. Hall	Mr. M'Crea	Mr. Tailor
Mr. E. Baker	Mr. Hedges	Mr. Redfield	Mr. Teller
Mr. Curtiss	Mr Heermans	Mr. Seeley	Mr. Titus
Mr. Davenport	Mr. Holdridge	Mr. Sloughter	Mr. Van Wyck
Mr. Dean	Mr. Judd	Mr. A. Smith	Mr. Waugh
Mr. Edgerton	Mr. C. L. Livingston	Mr. L. Smith	Mr. Williamson
Mr. Graham	Mr. Mann	Mr. Speaker	27

The engrossed bill entitled "An act to incorporate the president, directors and company of the Bank of Whitehall," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	93
NAYS	16

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr Jenkins	Mr. Scott
Mr. Armstrong	Mr. Defreest	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Dygert	Mr. Jones	Mr. Sill
Mr. Bacon	Mr. Eldridge	Mr. Keith	Mr. Skinner
Mr. Bailey	Mr. Falley	Mr. Lindsley	Mr. Sloughter
Mr. C. Baker	Mr. Fillmore	Mr. Mallory	Mr. A. Smith
Mr. E. Baker	Mr. Fitch	Mr. Mandeville	Mr. H D. Smith
Mr. Baragar	Mr. Fleming	Mr. M'Crea	Mr. Spier
Mr. Barnett	Mr. Fowler	Mr. J. M'Donald	Mr. Stanton
Mr. Bogert	Mr. Franklin	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Boynton	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Garnsey	Mr. Morell	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. Myers	Mr. Tower
Mr. Brown	Mr. Graham	Mr. Noble	Mr. J. Van Beuren
Mr. Burt	Mr. W. Hall	Mr. Norton	Mr. Waring
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Case	Mr. Heermans	Mr. Phoenix	Mr. White
Mr. Chandler	Mr. Hubbard	Mr. Randall	Mr. Willey
Mr. Collier	Mr. Hubbell	Mr. Redfield	Mr. Williams
Mr. Curtiss	Mr. Hynds	Mr. Sanford	Mr. Wyckoff
Mr. Davenport	Mr. Ives	Mr. Savage	Mr. Young
Mr. Dayton			93

Those who voted in the negative are—

Mr. Dana	Mr. Holdridge	Mr. Mathews	Mr. Titus	
Mr. Edgerton	Mr. Judd	Mr. Seeley	Mr. Vanderbilt	
Mr. J. Hall	Mr. C. L. Livingston	Mr. L. Smith	Mr. Van Wyck	
Mr. Hedges	Mr. Mann	Mr. Speaker	Mr. Williamson	16

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the president, directors and company of the Oswego Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES	57
NAYS	46

Those who voted in the affirmative are—

Mr. Arnold	Mr. Eldridge	Mr. J. M'Donald	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. W. M'Donald	Mr. Skinner
Mr. Bailey	Mr. Fleming	Mr. M'Niel	Mr. Sloughter
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mixer	Mr. H. D. Smith
Mr. Barnett	Mr. Goodman	Mr. Morell	Mr. Spier
Mr. Bogert	Mr. Hammond	Mr. Myers	Mr. Stanton
Mr. Bostwick	Mr. Hubbard	Mr. Noble	Mr. Starr
Mr. Bradish	Mr. Hubbell	Mr. Paige	Mr. Taber
Mr. Brown	Mr. Ives	Mr. Partridge	Mr. Tower
Mr. Carrier	Mr. Jones	Mr. Randall	Mr. J. Van Beuren
Mr. Case	Mr. Keith	Mr. Sanford	Mr. White
Mr. Dana	Mr. Mallory	Mr. Savage	Mr. Williams
Mr. Dayton	Mr. Mandeville	Mr. Scott	Mr. Wyckoff
Mr. Dean	Mr. Mathews	Mr. Sheppard	Mr. Young
Mr. Dygert			57

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fowler	Mr. Jenkins	Mr. A. Smith
Mr. Armstrong	Mr. W. K. Fuller	Mr. Johnson	Mr. L. Smith
Mr. C. Baker	Mr. Garbutt	Mr. Judd	Mr. Speaker
Mr. Baragar	Mr. Gardner	Mr. Lindsley	Mr. Tailor
Mr. Boynton	Mr. Graham	Mr. C. L. Livingston	Mr. Vanderbilt
Mr. Burt	Mr. Graves	Mr. Mann	Mr. Van Wyck
Mr. Carley	Mr. J. Hall	Mr. M'Crea	Mr. Waring
Mr. Curtiss	Mr. W. Hall	Mr. Norton	Mr. Waugh
Mr. Davenport	Mr. Hazeltine	Mr. Phoenix	Mr. Wheeler
Mr. Defreest	Mr. Hedges	Mr. Redfield	Mr. Willey
Mr. Edgerton	Mr. Heermans	Mr. Seeley	Mr. Williamson
Mr. Fillmore	Mr. Holdridge		46

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Waterville Oneida County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

NAYS	52
AYES	44

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Lindsley	Mr. Sloughter
Mr. C. Baker	Mr. Fitch	Mr. C. L. Livingston	Mr. A. Smith
Mr. Baragar	Mr. Fleming	Mr. Mann	Mr. H. D. Smith
Mr. Bogert	Mr. W. K. Fuller	Mr. Mathews	Mr. L. Smith
Mr. Burt	Mr. Garbutt	Mr. M'Crea	Mr. Speaker
Mr. Carley	Mr. Graham	Mr. J. M'Donald	Mr. Tailor
Mr. Dana	Mr. Hazeltine	Mr. W. M'Donald	Mr. Titus
Mr. Davenport	Mr. Hedges	Mr. Mixer	Mr. J. Van Beuren
Mr. Dean	Mr. Heermans	Mr. Noble	Mr. Vanderbilt
Mr. Defreest	Mr. Holdridge	Mr. Norton	Mr. Waring
Mr. Dygert	Mr. Johnson	Mr. Partridge	Mr. Waugh
Mr. Edgerton	Mr. Judd	Mr. Redfield	Mr. Willey
Mr. Falley	Mr. Keith	Mr. Seeley	Mr. Williamson 52

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Case	Mr. Jenkins	Mr. Sill
Mr. Arnold	Mr. Chandler	Mr. Jones	Mr. Skinner
Mr. Bacon	Mr. Dayton	Mr. Mallory	Mr. Spier
Mr. Bailey	Mr. Eldridge	Mr. Mandeville	Mr. Stanton
Mr. E. Baker	Mr. Fowler	Mr. M'Niel	Mr. Starr
Mr. Barnett	Mr. P. C. Fuller	Mr. Myers	Mr. Tower
Mr. Bostwick	Mr. Gardner	Mr. Phoenix	Mr. Wheeler
Mr. Boynton	Mr. Goodman	Mr. Randall	Mr. White
Mr. Bradish	Mr. W. Hall	Mr. Savage	Mr. Williams
Mr. Brown	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Carrier	Mr. Ives	Mr. Sheppard	Mr. Young 44

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Manufacturers' Bank of the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 72}
{NAYS 31}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Defreest	Mr. Jones	Mr. Seeley
Mr. Bacon	Mr. Fitch	Mr. Keith	Mr. Sheppard
Mr. Bailey	Mr. Fowler	Mr. Lindsley	Mr. Sill
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. Skinner
Mr. Baragar	Mr. Garbutt	Mr. Mandeville	Mr. Sloughter
Mr. Barnet	Mr. Gardner	Mr. M'Crea	Mr. A. Smith
Mr. Bostwick	Mr. Graham	Mr. J. M'Donald	Mr. H. D. Smith
Mr. Boynton	Mr. Graves	Mr. Mixer	Mr. L. Smith
Mr. Bradish	Mr. J. Hall	Mr. Morell	Mr. Spier
Mr. Brown	Mr. W. Hall	Mr. Myers	Mr. Stanton
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Starr
Mr. Carrier	Mr. Hazeltine	Mr. Paige	Mr. Tower
Mr. Case	Mr. Hubbard	Mr. Partridge	Mr. J. Van Beuren
Mr. Chandler	Mr. Hubbell	Mr. Phoenix	Mr. Waring
Mr. Curtiss	Mr. Hynds	Mr. Randall	Mr. White
Mr. Davenport	Mr. Ives	Mr. Sanford	Mr. Willey
Mr. Dayton	Mr. Jenkins	Mr. Savage	Mr. Williams
Mr. Dean	Mr. Johnson	Mr. Scott	Mr. Young 72

Those who voted in the negative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Judd	Mr. Tailor
Mr. Arnold	Mr. Falley	Mr. C. L. Livingston	Mr. Teller
Mr. E. Baker	Mr. Fillmore	Mr. Mann	Mr. Titus
Mr. Bogert	Mr. Fleming	Mr. W. M'Donald	Mr. Vanderbilt
Mr. Burt	Mr. W. K Fuller	Mr. Norton	Mr. Van Wyck
Mr. Dana	Mr. Goodman	Mr. Redfield	Mr. Waugh
Mr. Dyckman	Mr. Hedges	Mr. Speaker	Mr. Wheeler
Mr. Dygert	Mr. Heermans	Mr. Taber	Mr. Williamson
Mr. Edgerton	Mr. Holdridge		34

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Bank of Brooklyn," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92}
{NAYS 17}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Fillmore	Mr. Lindsley	Mr. Skinner
Mr. Armstrong	Mr. Fleming	Mr. Mallory	Mr. Sloughter
Mr. Arnold	Mr. Fowler	Mr. Mandeville	Mr. A. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Mathews	Mr. H. D. Smith
Mr. Bailey	Mr. W. K. Fuller	Mr. M'Crea	Mr. L. Smith
Mr. C. Baker	Mr. Garbutt	Mr. J. M'Donald	Mr. Spier
Mr. E. Baker	Mr. Gardner	Mr. W. M'Donald	Mr. Stanton
Mr. Baragar	Mr. Goodman	Mr. M'Niel	Mr. Starr
Mr. Barnett	Mr. Graham	Mr. Morell	Mr. Taber
Mr. Bogert	Mr. Graves	Mr. Myers	Mr. Tailor
Mr. Bostwick	Mr. J. Hall	Mr. Noble	Mr. Teller
Mr. Boynton	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Bradish	Mr. Hammond	Mr. Paige	Mr. J. Van Beuren
Mr. Brown	Mr. Hazeltine	Mr. Partridge	Mr. Vanderbilt
Mr. Carley	Mr. Hedges	Mr. Phoenix	Mr. Van Wyck
Mr. Carrier	Mr. Hubbard	Mr. Randall	Mr. Waring
Mr. Case	Mr. Hubbell	Mr. Redfield	Mr. Waugh
Mr. Chandler	Mr. Hynds	Mr. Sanford	Mr. Wheeler
Mr. Curtiss	Mr. Ives	Mr. Savage	Mr. White
Mr. Davenport	Mr Jenkins	Mr. Scott	Mr. Willey
Mr. Dayton	Mr. Johnson	Mr. Seeley	Mr. Williams
Mr. Dean	Mr. Jones	Mr. Sheppard	Mr. Wyckoff
Mr. Defreest	Mr. Judd	Mr. Sill	Mr. Young 92

Those who voted in the negative are—

Mr. Burt	Mr. Edgerton	Mr. Heermans	Mr. Mixer
Mr. Dana	Mr. Eldridge	Mr. Holdridge	Mr. Speaker
Mr. Dyckman	Mr. Falley	Mr. C. L. Livingston	Mr. Titus
Mr. Dygert	Mr. Fitch	Mr. Mann	Mr. Williamson 16

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Montgomery County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 72}
{NAYS 32}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Mallory	Mr. Scott
Mr. Arnold	Mr. Defreest	Mr. Mandeville	Mr. Sheppard
Mr. Bacon	Mr. Dygert	Mr. M'Crea	Mr. Sill
Mr. Bailey	Mr. Falley	Mr. J. M'Donald	Mr. Skinner
Mr. C. Baker	Mr. Fillmore	Mr. W. M'Donald	Mr. Sloughter
Mr. E. Baker	Mr Fleming	Mr. M'Niel	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mixer	Mr. Spier
Mr. Barnet	Mr. Garbutt	Mr. Morell	Mr. Stanton
Mr Bogert	Mr. Goodman	Mr Myers	Mr. Starr
Mr. Bostwick	Mr. Hammond	Mr. Noble	Mr. Taber
Mr. Boynton	Mr. Hazeltine	Mr. Norton	Mr. Tower

Mr. Bradish	Mr. Hubbell	Mr. Paige	Mr. J. Van Beuren
Mr. Brown	Mr. Hynds	Mr. Partridge	Mr. Wheeler
Mr. Burt	Mr. Ives	Mr. Phoenix	Mr. White
Mr. Carrier	Mr. Jenkins	Mr. Randall	Mr. Willey
Mr. Case	Mr. Johnson	Mr. Redfield	Mr. Williams
Mr. Chandler	Mr. Jones	Mr. Sanford	Mr. Wyckoff
Mr. Curtiss	Mr. Lindsley	Mr. Savage	Mr. Young 72

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fowler	Mr. Holdridge	Mr. Speaker
Mr. Carley	Mr. W. K. Fuller	Mr. Hubbard	Mr. Tailor
Mr. Dana	Mr. Graham	Mr. Judd	Mr. Titus
Mr. Dean	Mr. Graves	Mr. C. L. Livingston	Mr. Vanderbilt
Mr. Dyckman	Mr. J. Hall	Mr. Mathews	Mr. Van Wyck
Mr. Edgerton	Mr. W. Hall	Mr. Seeley	Mr. Waring
Mr. Eldridge	Mr. Hedges	Mr. A. Smith	Mr. Waugh
Mr. Fitch	Mr. Heermans	Mr. L. Smith	Mr. Williamson 32

The engrossed bill entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 71}
{NAYS 33}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dayton	Mr. Mallory	Mr. Sill
Mr. Armstrong	Mr. Defreest	Mr. Mandeville	Mr. Skinner
Mr. Arnold	Mr. Falley	Mr. J. M'Donald	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. M'Niel	Mr. H. D. Smith
Mr. Bailey	Mr. Fowler	Mr. Mixer	Mr. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Morell	Mr. Spier
Mr. Baragar	Mr. Garbutt	Mr. Myers	Mr. Stanton
Mr. Barnet	Mr. Goodman	Mr. Noble	Mr. Starr
Mr. Bogert	Mr. Graham	Mr. Norton	Mr. Taber
Mr. Bostwick	Mr. Graves	Mr. Paige	Mr. Tower
Mr. Boynton	Mr. W. Hall	Mr. Partridge	Mr. J. Van Beuren
Mr. Bradish	Mr. Hammond	Mr. Phoenix	Mr. Waring
Mr. Brown	Mr. Hazeltine	Mr. Randall	Mr. Wheeler
Mr. Carley	Mr. Hubbard	Mr. Sanford	Mr. Willey
Mr. Carrier	Mr. Hubbell	Mr. Savage	Mr. Williams
Mr. Case	Mr. Hynds	Mr. Scott	Mr. Wyckoff
Mr. Chandler	Mr. Jones	Mr. Seeley	Mr. Young
Mr. Curtiss	Mr. Lindsley	Mr. Sheppard	71

Those who voted in the negative are—

Mr. Burt	Mr. Fleming	Mr. Judd	Mr. Tailor
Mr. Dana	Mr. W. K. Fuller	Mr. C. L. Livingston	Mr. Teller
Mr. Davenport	Mr. J. Hall	Mr. Mathews	Mr. Titus
Mr. Dean	Mr. Hedges	Mr. M'Crea	Mr. Vanderbilt
Mr. Dyckman	Mr. Heermans	Mr. W. M'Donald	Mr. Van Wyck
Mr. Dygert	Mr. Holdridge	Mr. Redfield	Mr. Waugh
Mr. Edgerton	Mr. Jenkins	Mr. Sloughter	Mr. White
Mr. Eldridge	Mr. Johnson	Mr. Speaker	Mr. Williamson
Mr. Fitch			33

The engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Merchants' Exchange Bank of the city of New-York," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 92
NAYS 13}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Lindsley	Mr. Sill	
Mr. Armstrong	Mr. Fillmore	Mr. Mallory	Mr. Skinner	
Mr. Arnold	Mr. Fitch	Mr. Mandeville	Mr. Sloughter	
Mr. Bacon	Mr. Fowler	Mr. Mathews	Mr. H. D. Smith	
Mr. Bailey	Mr. P. C. Fuller	Mr. M'Crea	Mr. L. Smith	
Mr. E. Baker	Mr. Garbutt	Mr. J. M'Donald	Mr. Spier	
Mr. Baragar	Mr. Goodman	Mr. W. M'Donald	Mr. Stanton	
Mr. Barnet	Mr. Graham	Mr. M'Niel	Mr. Starr	
Mr. Bogert	Mr. Graves	Mr. Mixer	Mr. Taber	
Mr. Bostwick	Mr. J. Hall	Mr. Morell	Mr. Teller	
Mr. Boynton	Mr. W. Hall	Mr. Myers	Mr. Tower	
Mr. Bradish	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren	
Mr. Brown	Mr. Hazeltine	Mr. Norton	Mr. Vanderbilt	
Mr. Burt	Mr. Hedges	Mr. Paige	Mr. Van Wyck	
Mr. Carley	Mr. Heermans	Mr. Partridge	Mr. Waring	
Mr. Carrier	Mr. Holdridge	Mr. Phoenix	Mr. Waugh	
Mr. Case	Mr. Hubbard	Mr. Randall	Mr. Wheeler	
Mr. Chandler	Mr. Hubbell	Mr. Redfield	Mr. White	
Mr. Curtiss	Mr. Hynds	Mr. Sanford	Mr. Willey	
Mr. Dana	Mr. Jenkins	Mr. Savage	Mr. Williams	
Mr. Dayton	Mr. Johnson	Mr. Scott	Mr. Williamson	
Mr. Dean	Mr. Jones	Mr. Seeley	Mr. Wyckoff	
Mr. Defreest	Mr. Judd	Mr. Sheppard	Mr. Young	92

Those who voted in the negative are—

Mr. Davenport	Mr. Falley	Mr. C. L. Livingston	Mr. Speaker	
Mr. Dyckman	Mr. Fleming	Mr. Mann	Mr. Tailor	
Mr. Dygert	Mr. W. K. Fuller	Mr. A. Smith	Mr. Titus	
Mr. Edgerton				13

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act to incorporate the president, directors and company of the Yates County Bank," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 69
NAYS 34}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Eldridge	Mr. Mathews	Mr. H. D. Smith
Mr. Arnold	Mr. Fillmore	Mr. M'Crea	Mr. L. Smith
Mr. Bacon	Mr Fleming	Mr. J. M'Donald	Mr. Spier
Mr. Bailey	Mr. Fowler	Mr. W. M'Donald	Mr. Stanton
Mr. Barnet	Mr. P. C. Fuller	Mr. M'Niel	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. Mixer	Mr. Taber
Mr. Boynton	Mr. Goodman	Mr. Morell	Mr. Teller
Mr. Bradish	Mr Graves	Mr Myers	Mr. Tower
Mr. Brown	Mr. W. Hall	Mr. Paige	Mr. J. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. Partridge	Mr. Waring
Mr. Carrier	Mr. Hubbard	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Hubbell	Mr. Randall	Mr. Wheeler
Mr. Chandler	Mr. Hynds	Mr. Redfield	Mr. White
Mr. Curtiss	Mr. Jenkins	Mr. Sanford	Mr. Willey
Mr. Dana	Mr. Lindsley	Mr. Scott	Mr. Williams
Mr. Dayton	Mr. Mallory	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Mandeville	Mr. Skinner	Mr. Young
Mr. Defreest			

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Those who voted in the negative are—

Mr. Al Burtis	Mr. Garbutt	Mr. Judd	Mr. Sloughter
Mr. Baragar	Mr. Graham	Mr. C. L. Livingston	Mr. A. Smith
Mr. Carley	Mr. J. Hall	Mr. Mann	Mr. Speaker
Mr. Davenport	Mr. Hammond	Mr. Noble	Mr. Tailor
Mr. Dyckman	Mr. Hedges	Mr. Norton	Mr. Titus
Mr. Dygert	Mr. Heermans	Mr. Savage	Mr. Vanderbilt
Mr. Edgerton	Mr. Holdridge	Mr. Seeley	Mr. Van Wyck
Mr. Falley	Mr. Johnson	Mr. Sill	Mr. Williamson
Mr. W. K. Fuller	Mr. Jones		

34

Mr. Holdridge offered for the consideration of the house, two several resolutions, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Madison County Bank."

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank."

Ordered, That the said resolutions be laid upon the table.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

Mr. Edgerton offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the Farmers' and Manufacturers' Bank of the city of Hudson."

Ordered, That the said resolution be laid upon the table.

Mr. C. L. Livingston offered for the consideration of the house, a resolution, in the words following, to wit;

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Oswego Bank."

Ordered, That the said resolution be laid upon the table.

Mr. Morell offered for the consideration of the house, two several resolutions, in the words following, to wit:

Resolved, (if the Hon. Senate concur,) That the canal commissioners cause examinations, surveys and estimates, to be made of the most eligible manner of opening a navigable communication from Otsego lake in the county of Otsego, through the valleys of the Susquehannah and Chemung rivers, to the Chimney narrows in the county of Steuben; and also of connecting the Otsego lake with the Erie canal at or near Fort Plain, either by a canal or rail-road: And that the canal commissioners report on the above to the next legislature.

Resolved, That the expenses of this survey be paid by the treasurer, on the warrant of the comptroller, out of any money not otherwise appropriated, on the certificate of the canal commissioners under whose direction it shall be performed.

Ordered, That the said resolutions be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill, amendments and copies of the resolutions therein mentioned, was read, informing that they have concurred with this house in certain of its amendments to the bill entitled "An act authorising Alanson B. Wright to take the name of Alanson B. Cady," and have non-concurred in others of the said amendments.

Thereupon,

Resolved, That this house do recede from its amendments to the said bill, non-concurred in by the Senate.

Ordered, That the clerk deliver the said bill and amendments, together with a copy of the preceding resolution, to the Senate.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act making further appropriations to complete the Cayuga and Seneca canal."

The said bill and amendments were read; and the amendments having been again read, were concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of the 15th instant, fixing upon Tuesday the 5th of May next, for the adjournment of the legislature.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the canal commissioners be requested to cause a survey and estimate to be made, 1st, Of constructing a side-cut and aqueduct from the Erie canal, over the Mohawk river, near the village of Amsterdam, with a commodious basin on the north side of said river, on the level of said canal; and, 2d, Of constructing a dam on the said river, between the villages of Amsterdam and Cranesville, with a navigable feeder connecting it with the said canal, at or immediately below Phillips' locks in the town of Florida in the county of Montgomery: Said commissioners shall report to the legislature, as early as may be at its next session, such surveys and estimates; together with the relative advantages and disadvantages of such improvements to the canal revenue, and extent of accommodation to the country adjacent.

Ordered, That the said resolution be laid upon the table.

Two several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Scottsville canal company," and the bill entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827," with the amendments to the said bills therewith delivered.

The said bills and amendments were read,

Ordered, That the same be laid upon the table.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act relating to the militia and the public defence in the county of Kings," and the bill entitled "An act further to provide for the improvement of the navigation of Hudson river;" in which bills they request the concurrence of this house.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act relating to the militia and the public defence in the county of Kings," was referred to a select committee, consisting of Mr. Brinkerhoff, Mr. Wyckoff and Mr. Allison; and the bill entitled "An act further to provide for the improvement of the navigation of Hudson river," was referred to a select committee, consisting of Mr. Johnson, Mr. Armstrong and Mr. Starr, severally to consider and report thereon.

Three several messages from the Senate, delivered by their clerk, with the bills and amendments therein mentioned, were read, informing that they have passed the bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation;" the bill entitled "An act to erect the town of Arkwright in the county of Chautauque," and the bill entitled "An act to provide for the apportionment of school money in the city of Schenectady," severally with the amendments therewith delivered.

The said bills and amendments were severally read; and the amendments having been again read and concurred in,

Ordered, That the clerk deliver the said bills and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same accordingly.

Five several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson;" the bill entitled "An act amending an act passed April 15th, 1824, authorising John Low and others to erect a dam across the Susquehannah river;" the bill entitled "An act concerning standard measures of capacity;" the bill entitled "An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants;" and the bill entitled "An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act relative to firemen in the village of Rochester."

"An act incorporating the firemen of the city of Troy, by the name of the Fire department of the city of Troy."

"An act concerning school districts number two and five in the town of Kinderhook."

"An act relative to the bridge across the outlet of Long lake in Saratoga county."

"An act to amend an act entitled 'An act to incorporate the village of Oswego.'"

"An act to extend the time for completing the Newtown turnpike road."

"An act relative to monies in the hands of overseers of the poor."

"An act to incorporate the Deep Hollow branch turnpike road company."

"An act to appoint commissioners to lay out a public highway from the village of Albion in the county of Orleans, to the village of Olean in the county of Cattaraugus."

"An act requiring the publication of notices in certain cases."

"An act to incorporate the Salina and Port Watson rail-road company."

"An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Canandaigua.'"

"An act in relation to the salt manufacturing lots in the town of Salina, and for other purposes."

E. T. THROOP.

Albany, April 27, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate Manhattan college;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

WEDNESDAY, APRIL 29, 1829.

The House met pursuant to adjournment.

The petition of sundry inhabitants of the county of Greene, praying for the repeal of the law prohibiting persons other than licensed lawyers to appear in justices' courts as counsellors, was read, and referred to the committee on the judiciary.

Mr. Johnson, from the select committee to which was committed the engrossed bill from the Senate, entitled "An act further to provide for the improvement of the navigation of Hudson river," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Mandeville, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April 2d, 1825," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill was ordered to a third reading.

Mr. Hazeltine, from the select committee to which was committed the bill entitled "An act to divide the town of Ellington in the county of Chautauque," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. J. Van Beuren, from the select committee to which was referred the engrossed bill entitled "An act to incorporate the president, directors and company of the Anthracite foundry," reported:

That the bill contains the following section: "The said corporation shall have full power to carry on the business of manufacturing from fossil substances." The committee would ask, does this mean digging out of the earth mammoth bones or subjects for dissections, minerals, coals, or ore? It is rather obscure and *metaphysical*, and totally beyond the comprehension of the committee. It may be another Manhattan bank charter, for the bill is perpetual. Part of another section runs as follows: "Provided such real estate so to be holden, shall be such only as is now owned by the said company, or such as shall by purchase be conveyed to it." This, the committee think, authorises the corporation to operate to any extent whatever in real estate. Another feature also alarms the committee, to wit: "The directors for the time being shall have power to make such by-laws, rules and regulations, as shall appear needful and proper, touching the duties of the officers, artificers, and servants by them employed, *and all such matters as appertain to the concerns of the corporation.*" If this last clause be not granting almost unlimited powers, then the committee confess they do not understand the force of words or language.

The committee recommend that the further consideration of the bill entitled "An act to incorporate the president, directors and company of the Anthracite foundry," be postponed to the same day with the bill relative to escheats, to wit, the fourth day of July next.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Skinner gave notice that he would hereafter ask leave to introduce a bill to amend the act entitled "An act concerning school districts number two and five in the town of Kinderhook."

Thereupon,

By unanimous consent, and in pursuance of previous notice, Mr. Skinner asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act concerning school districts number two and five in the town of Kinderhook;'" which was read the first time, and by unanimous consent was also read a second time, and ordered to be engrossed for a third reading.

Ordered, That Mr. Scott have leave of absence for four days.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act for the relief of Seth Wetmore, in relation to his purchase of certain lands of this state, and for other purposes;" and that the same be referred to a select committee, consisting of Mr. Randall, Mr. Mann and Mr. Mathews, to consider and report thereon.

The house then proceeded to the consideration of the resolutions heretofore offered by Mr. Morell; the same being amended by striking out the second and last of the said resolutions, was again read, in the words following, to wit:

Resolved, (if the Senate concur,) That the canal commissioners cause examinations, surveys and estimates, to be made of the most eligible manner of opening a navigable communication from Otsego lake in the county of Otsego, through the valleys of the Susquehannah and Chemung rivers, to the Chimney narrows in the county of Steuben; and also of connecting the Otsego lake with the Erie canal at or near Fort Plain, either by a canal or rail-road: And that the canal commissioners report on the above to the next legislature.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

AYES	60
NAYS	19

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Falley	Mr. Mallory	Mr. Sloughter	
Mr. E. Baker	Mr. Fleming	Mr. M'Crea	Mr. H. D. Smith	
Mr. Barnett	Mr. W. Hall	Mr. W. M'Donald	Mr. Soper	
Mr. Boynton	Mr. Hammond	Mr. M'Niel	Mr. Spier	
Mr. Bradish	Mr. Hascall	Mr. Morell	Mr. Tailor	
Mr. Burt	Mr. Hedges	Mr. Myers	Mr. Teller	
Mr. Cargill	Mr. Heermans	Mr. Paige	Mr. Tower	
Mr. Carley	Mr. Hubbard	Mr. Partridge	Mr. J Van Beuren	
Mr. Collier	Mr. Hubbell	Mr. Randall	Mr. Vanderbilt	
Mr. Curtiss	Mr. Jenkins	Mr. Redfield	Mr. Waugh	
Mr. Dana	Mr. Johnson	Mr. Savage	Mr. White	
Mr. Dayton	Mr. Judd	Mr. Scott	Mr. Willey	
Mr. Dean	Mr. Keith	Mr. Seeley	Mr. Williamson	
Mr. Defreest	Mr. Lindsley	Mr. Sheppard	Mr. Wyckoff	
Mr. Dyckman	Mr. C. L. Livingston	Mr. Sill	Mr. Young	60

Those who voted in the negative are—

Mr. C. Baker	Mr. Edgerton	Mr. Goodman	Mr. A. Smith	
Mr. Case	Mr. Eldridge	Mr. Hazeltine	Mr. Speaker	
Mr. Chandler	Mr. Fitch	Mr. Hynds	Mr. Taber	
Mr. Davenport	Mr. Franklin	Mr. Phoenix	Mr. Wheeler	
Mr. Dygert	Mr. Garnsey	Mr. Skinner		19

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate, and request their concurrence in the same.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act declaring a part of Cayuta creek a public highway, passed February 20th, 1827;" and that the same be referred to a select committee, consisting of Mr. Baragar, Mr. C. Baker and Mr. Dean, to consider and report thereon.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Hubbell; the same was again read, in the words following, to wit:

Resolved, That the legislature hereby accepts the stipulation of Yates and M'Intyre, set forth in the foregoing report, and that the same be filed with the secretary of state; but the said Yates and M'Intyre shall not hereby be authorised to continue any lottery held by them for a longer period than they are now authorised by law to continue it, or to raise a greater sum of money by any such lottery than they are now authorised by law to raise.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

Mr. Judd offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Montgomery County Bank."

Ordered, That the said resolution be laid upon the table.

Mr. Fitch offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Seventh Ward Bank."

Ordered, That the said resolution be laid upon the table.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the Scottsville canal company."

The said bill and amendments were read; and the amendments having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 91}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Johnson	Mr. Skinner
Mr. Armstrong	Mr. Edgerton	Mr. Judd	Mr. Sloughter
Mr. Arnold	Mr. Eldridge	Mr. Keith	Mr. A. Smith
Mr. Bacon	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bailey	Mr. Fleming	Mr. C. L. Livingston	Mr. L. Smith
Mr. C. Baker	Mr. Fowler	Mr. Mallory	Mr. Soper
Mr. E. Baker	Mr. Franklin	Mr. Mathews	Mr. Speaker
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Barnett	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Bogert	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Boynton	Mr. Gardner	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Garnsey	Mr. Mixer	Mr. Titus
Mr. Brown	Mr. Goodman	Mr. Morell	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Noble	Mr. J. Van Benren
Mr. Cargill	Mr. J. Hall	Mr. Norton	Mr. Van Wyck
Mr. Carley	Mr. Hammond	Mr. Paige	Mr. Waring
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Waugh
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Wheeler
Mr. Curtiss	Mr Heermans	Mr. Randall	Mr. Willey
Mr. Dana	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hubbard	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Scott	Mr. Young
Mr. Defreest	Mr. Jenkins	Mr. Sill	91

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812."

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 91}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Edgerton	Mr Jenkins	Mr. Sheppard
Mr. Armstrong	Mr. Efner	Mr. Johnson	Mr. Sill
Mr. Bacon	Mr. Eldridge	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Falley	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fleming	Mr. C. L. Livingston	Mr. L. Smith
Mr. Baragar	Mr. Fowler	Mr. Mallory	Mr. Soper
Mr. Barnett	Mr. Franklin	Mr. Mathews	Mr. Speaker

Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. W. M'Donald	Mr. Taber
Mr. Brown	Mr. Gardner	Mr. M'Niel	Mr. Tailor
Mr. Burt	Mr. Garnsey	Mr. Mixer	Mr. Teller
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. Titus
Mr. Carley	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Waring
Mr. Case	Mr. Hammond	Mr. Partridge	Mr. Waugh
Mr. Curtiss	Mr. Hascall	Mr. Phoenix	Mr. Wheeler
Mr. Dana	Mr. Hedges	Mr. Randall	Mr. Willey
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Holdridge	Mr. Savage	Mr. Wyckoff
Mr. Dean	Mr. Hubbard	Mr. Scott	Mr. Young
Mr. Defreest	Mr. Hubbell	Mr. Seeley	91

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827."

The said bill and amendments were read; and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 91}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Defreest	Mr. Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Sill
Mr. Bacon	Mr. Dygert	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Edgerton	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Efner	Mr. Lindsley	Mr. A. Smith
Mr. E. Baker	Mr. Falley	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Baragar	Mr. Fitch	Mr. Mallory	Mr. L. Smith
Mr. Barnet	Mr. Fleming	Mr. Mann	Mr. Speaker
Mr. Bogert	Mr. Franklin	Mr. Mathews	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Starr
Mr. Bradish	Mr. Garbutt	Mr. J. M'Donald	Mr. Taber
Mr. Brinkerhoff	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Brown	Mr. Garnsey	Mr. M'Niel	Mr. Teller
Mr. Burt	Mr. Goodman	Mr. Mixer	Mr. Titus
Mr. Cargill	Mr. Graham	Mr. Morell	Mr. Van Wyck
Mr. Carley	Mr. Graves	Mr. Noble	Mr. Waring
Mr. Carrier	Mr. J. Hall	Mr. Norton	Mr. Waugh
Mr. Case	Mr. Hammond	Mr. Partridge	Mr. Willey
Mr. Curtiss	Mr. Hascall	Mr. Randall	Mr. Williams
Mr. Dana	Mr. Hazeltine	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Holdridge	Mr. Savage	Mr. Young
Mr. Dean	Mr. Hubbard	Mr. Scott	91

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Holdridge; which was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	86
NAYS	23

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dean	Mr. Hubbard	Mr. Seeley
Mr. Armstrong	Mr. Defreest	Mr. Hubbell	Mr. Sheppard
Mr. Arnold	Mr. Dyckman	Mr. Hynds	Mr. Skinner
Mr. Bailey	Mr. Eldridge	Mr. Jenkins	Mr. H. D. Smith
Mr. C. Baker	Mr. Falley	Mr. Johnson	Mr. L. Smith
Mr. E. Baker	Mr. Fillmore	Mr. Keith	Mr. Soper
Mr. Baragar	Mr. Fitch	Mr. Lindsley	Mr. Spier
Mr. Barnet	Mr. Fleming	Mr. Mallory	Mr. Stanton
Mr. Bogert	Mr. Fowler	Mr. Mandeville	Mr. Starr
Mr. Bostwick	Mr. Franklin	Mr. Mathews	Mr. Taber
Mr. Boynton	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Teller
Mr. Bradish	Mr. Garbutt	Mr. Morell	Mr. Titus
Mr. Brown	Mr. Garnsey	Mr. Myers	Mr. Tower
Mr. Burt	Mr. Goodman	Mr. Noble	Mr. Vanderbilt
Mr. Cargill	Mr. Graves	Mr. Paige	Mr. Van Wyck
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Waring
Mr. Carrier	Mr. W. Hall	Mr. Phoenix	Mr. Wheeler
Mr. Case	Mr. Hammond	Mr. Randall	Mr. Willey
Mr. Chandler	Mr. Hascall	Mr. Sanford	Mr. Williams
Mr. Collier	Mr. Hazeltine	Mr. Savage	Mr. Wyckoff
Mr. Curtiss	Mr. Heermans	Mr. Scott	Mr. Young
Mr. Dayton	Mr. Holdridge		

86

Those who voted in the negative are—

Mr. Davenport	Mr. Hedges	Mr. Mixer	Mr. Speaker
Mr. Dygert	Mr. Judd	Mr. Norton	Mr. Tailor
Mr. Edgerton	Mr. Mann	Mr. Redfield	Mr. Waugh
Mr. Efner	Mr. M'Crea	Mr. Sill	Mr. White
Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Sloughter	Mr. Williamson
Mr. Graham	Mr. M'Niel	Mr. A. Smith	

23

The house then proceeded to the consideration of the resolution heretofore offered by Mr. Holdridge; which was again read, in the words following, to wit:

Resolved, That this house do reconsider its vote on the final passage of the bill entitled "An act to incorporate the president, directors and company of the Madison County Bank."

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 81}
{NAYS 20}

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Fillmore	Mr. Jenkins	Mr. Scott
Mr. Arnold	Mr. Fitch	Mr. Johnson	Mr. Sheppard
Mr. Bacon	Mr Fleming	Mr. Keith	Mr. Sill
Mr. Bailey	Mr. Fowler	Mr. Lindsley	Mr. Skinner
Mr. C. Baker	Mr. Franklin	Mr. Mallory	Mr. H. D. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Mandeville	Mr. L. Smith
Mr. Bostwick	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Starr
Mr. Brown	Mr. Graves	Mr. M'Niel	Mr. Taber
Mr. Burt	Mr. J. Hall	Mr. Mixer	Mr. Titus
Mr. Cargill	Mr. W. Hall	Mr. Morell	Mr. Tower
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. J. Van Beuren
Mr. Carrier	Mr. Hascall	Mr. Norton	Mr. Waring
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Curtiss	Mr. Holdridge	Mr. Phoenix	Mr. Willey
Mr. Dayton	Mr. Hubbard	Mr. Randall	Mr. Williams
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff
Mr. Defreest	Mr. Hynds	Mr. Savage	Mr. Young
Mr. Eldridge			81

Those who voted in the negative are—

Mr. Davenport	Mr. Graham	Mr Myers	Mr. Speaker
Mr. Dygert	Mr. Hedges	Mr. Redfield	Mr. Tailor
Mr. Edgerton	Mr. Judd	Mr. Seeley	Mr. Vanderbilt
Mr. Falley	Mr. Mann	Mr. Sloughter	Mr. Waugh
Mr. Garbutt	Mr. M'Crea	Mr. A. Smith	Mr. Williamson 20

The house then proceeded to the report of the committee of the whole on the bill entitled "An act to loan the credit of the people of this state to the president, managers and company of the Delaware and Hudson canal company;" the said report being, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same.

The same having been amended by the house,

Mr. Speaker put the question whether the house would agree with the committee in their said report as amended, and it was determined in the affirmative.

{AYES 56}
{NAYS 51}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Davenport	Mr. Hornbeek	Mr. Scott
Mr. Arnold	Mr. Dayton	Mr. Hubbell	Mr. Seeley
Mr. Bailey	Mr. Dean	Mr. Jenkins	Mr. Sheppard
Mr. C. Baker	Mr. Dyckman	Mr. Judd	Mr. Skinner
Mr. E. Baker	Mr. Fleming	Mr. Lindsley	Mr. A. Smith
Mr. Bogert	Mr. Fowler	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. Bostwick	Mr. P. C. Fuller	Mr. Mallory	Mr. Soper
Mr. Boynton	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. Bradish	Mr. Graham	Mr. Morell	Mr. Teller
Mr. Brown	Mr. W. Hall	Mr. Myers	Mr. Titus
Mr. Cargill	Mr. Hascall	Mr. Norton	Mr. J. Van Beuren
Mr. Collier	Mr. Hazeltine	Mr. Paige	Mr. Vanderbilt
Mr. Curtiss	Mr. Heermans	Mr. Partridge	Mr. White
Mr. Dana	Mr. Holdridge	Mr. Redfield	Mr. Wyckoff 56

Those who voted in the negative are—

Mr. Armstrong	Mr. Franklin	Mr. Mann	Mr. Speaker
Mr. Bacon	Mr. W. K. Fuller	Mr. Mathews	Mr. Spier
Mr. Baragar	Mr. Garnsey	Mr. J. M'Donald	Mr. Stanton
Mr. Barnett	Mr. Goodman	Mr. W. M'Donald	Mr. Taber
Mr. Carley	Mr. Graves	Mr. M'Niel	Mr. Tailor
Mr. Carrier	Mr. J. Hall	Mr. Mixer	Mr. Tower
Mr. Case	Mr. Hammond	Mr. Noble	Mr. Waring
Mr. Dygert	Mr. Hedges	Mr. Phoenix	Mr. Waugh
Mr. Edgerton	Mr. Hubbard	Mr. Sanford	Mr. Wheeler
Mr. Efner	Mr. Hynds	Mr. Savage	Mr. Willey
Mr. Eldridge	Mr. Johnson	Mr. Sill	Mr. Williams
Mr. Falley	Mr. Keith	Mr. Sloughter	Mr. Williamson
Mr. Fitch	Mr. Mandeville	Mr. L. Smith	51

Ordered, That the bill be engrossed.

The engrossed bill from the Senate, entitled "An act to prevent hawking and peddling in the city of New-York," with the engrossed amendment, was read the third time.

Resolved, That the bill and amendment do pass.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have passed the same, with the amendment therewith delivered.

The engrossed bill entitled "An act to incorporate the Clinton insurance company in the city of Albany," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 95
NAYS 02}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Lindsley	Mr. Sloughter
Mr. Armstrong	Mr. Dygert	Mr. C. L. Livingston	Mr. A. Smith
Mr. Arnold	Mr. Efner	Mr. Mallory	Mr. L. Smith
Mr. Bacon	Mr. Falley	Mr. Mandeville	Mr. Soper
Mr. Bailey	Mr. Fillmore	Mr. Mathews	Mr. Speaker
Mr. C. Baker	Mr. Fitch	Mr. M'Crea	Mr. Spier
Mr. E. Baker	Mr. Fleming	Mr. J. M'Donald	Mr. Stanton
Mr. Baragar	Mr. Fowler	Mr. W. M'Donald	Mr. Starr
Mr. Barnett	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Bogert	Mr. Garbutt	Mr. Mixer	Mr. Tailor
Mr. Boynton	Mr. Garnsey	Mr. Morell	Mr. Teller
Mr. Bradish	Mr. Goodman	Mr. Noble	Mr. Titus
Mr. Brown	Mr. Graham	Mr. Paige	Mr. Tower
Mr. Burt	Mr. J. Hall	Mr. Partridge	Mr. J. Van Beuren
Mr. Cargill	Mr. W. Hall	Mr. Phoenix	Mr. Vanderbilt
Mr. Carley	Mr. Hammond	Mr. Randall	Mr. Waring
Mr. Carrier	Mr. Hazeltine	Mr. Redfield	Mr. Waugh
Mr. Case	Mr. Hedges	Mr. Sanford	Mr. Wheeler
Mr. Chandler	Mr Heermans	Mr. Savage	Mr. White
Mr. Curtiss	Mr. Hubbell	Mr. Scott	Mr. Willey
Mr. Dana	Mr. Hynds	Mr. Seeley	Mr. Williamson
Mr. Dayton	Mr. Jenkins	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Johnson	Mr. Sill	Mr. Young
Mr. Defreest	Mr. Keith	Mr. Skinner	95

Those who voted in the negative are—

Mr. Davenport Mr. Eldridge 2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company," and the engrossed bill entitled "An act to amend an act entitled 'An act concerning school districts number two and five in the town of Kinderhook,'" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company," was read the third time.

Ordered, That the said bill be referred to the committee appointed under the 47th rule of this house.

The said engrossed bill, entitled "An act to amend an act entitled 'An act concerning school districts number two and five in the town of Kinderhook,'" was read the third time.

Resolved, That the bill do pass.

The engrossed bill, entitled "An act for the relief of Jedediah Morse," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the amended bill therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act to incorporate the president, directors and company of the Merchants' Exchange Bank of the city of New-York," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act relative to the revised statutes so far as relates to the establishment of a poor-house in the county of Allegany;" the said amendment being to alter the title so as to read "An act relative to the establishment of a poor-house in the county of Allegany."

The said bill and amendment were read; and the amendment having been again read, and concurred in.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Twelve several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to extend for a limited period the charter of the Jefferson County Bank;" the bill entitled "An act to extend for a limited period the charter of the Middle District Bank;" the bill entitled "An act to extend for a limited period the charter of the Bank of Chenango;" the bill entitled "An act to incorporate the president, directors and company of the Bank of Genesee;" the bill entitled "An act to extend for a limited period the charter of the Bank of Newburgh;" the bill entitled "An act to extend for a limited period the charter of the Ontario Bank;" the bill entitled "An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank of the city of Troy;" the bill entitled "An act to extend for a limited period the charter of the Central Bank;" the bill entitled "An act to incorporate the New-York sacred music society;" the bill entitled "An act authorising John Seymour to erect a dam in the Susquehannah river;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,'

passed April 9th, 1824;" and the bill entitled "An act to incorporate the Butternuts and Unadilla hemp manufacturing company," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Four several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike,' passed April 23d, 1823;" the bill entitled "An act for the relief of the widow and children of James Usher;" the bill entitled "An act to incorporate the village of Fredonia;" and the bill entitled "An act to incorporate the Owasco and Erie canal company," severally with the amendments therewith delivered.

Ordered, That the said bills and amendments be laid upon the table.

The Senate returned by their clerk, the bill entitled "An act for the relief of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga," and the bill entitled "An act concerning vessels lying in the bay and harbor of New-York."

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the American institute in the city of New-York;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. C. L. Livingston, Mr. Arnold and Mr. Titus, to consider and report thereon.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act for the relief of Mary Ann Byrne, Margaret Byrne, John Byrne and Peter Charles Byrne, infants."

"An act to authorise the overseers of the poor of the town of Pierpont in St. Lawrence county, to pay certain monies to the commissioners of common schools of said town."

"An act in relation to the commissioners of highways of the town of Watertown in the county of Jefferson."

"An act amending an act passed April 15th, 1814, authorising John Low and others to erect a dam across the Susquehannah river."

"An act concerning standard measures of capacity."

"An act amending an act incorporating the Dry Dock banking company in the city of New-York."

An act to create a fund in aid of the Society for the reformation of juvenile delinquents in the city of New-York, and for other purposes."

E. T. THROOP.

Albany, *April* 29, 1829.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

Mr. Fillmore, from the committee on two-third bills, to whom was referred the act entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company," reported:

That they have had said bill under consideration, and are of opinion that said bill does not require the assent of two-thirds of all the members elected to this house to pass the same; and they therefore ask leave to submit the following resolution:

Resolved, That the assent of two-thirds of all the members elected to this house, is not necessary to pass the bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company."

Thereupon,

Mr. Mann made a motion that the house should agree to lay the said resolution upon the table.

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

NAYS	55
AYES	39

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Al Burtis	Mr. Fillmore	Mr Jenkins	Mr. A. Smith
Mr. Arnold	Mr. Fowler	Mr. Judd	Mr. H. D. Smith
Mr. Bacon	Mr. P. C. Fuller	Mr. Lindsley	Mr. Soper
Mr. Bailey	Mr. Garbutt	Mr. C. L. Livingston	Mr. Starr
Mr. E. Baker	Mr. Goodman	Mr. M'Crea	Mr. Titus
Mr. Bogert	Mr. Graham	Mr. J. M'Donald	Mr. J. Van Beuren
Mr. Bradish	Mr. J. Hall	Mr. Morell	Mr. Van Wyck
Mr. Brown	Mr. W. Hall	Mr. Paige	Mr. White
Mr. Burt	Mr. Hazeltine	Mr. Phoenix	Mr. Willey
Mr. Cargill	Mr. Hedges	Mr. Randall	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Holdridge	Mr. Scott	Mr. Wyckoff
Mr. Dean	Mr. Hornbeek	Mr. Seeley	Mr. Young
Mr. Dyckman	Mr. Hubbell	Mr. Skinner	55

Those who voted in the affirmative are—

Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. L. Smith
Mr. Baragar	Mr. Efner	Mr. Mandeville	Mr. Speaker
Mr. Barnett	Mr. Eldridge	Mr. Mann	Mr. Spier
Mr. Bostwick	Mr. Falley	Mr. Mathews	Mr. Stanton
Mr. Carley	Mr. Fitch	Mr. W. M'Donald	Mr. Taber
Mr. Carrier	Mr. Franklin	Mr. M'Niel	Mr. Tailor
Mr. Case	Mr. W. K. Fuller	Mr. Mixer	Mr. Tower
Mr. Chandler	Mr. Graves	Mr. Noble	Mr. Waring
Mr. Defreest	Mr. Hammond	Mr. Savage	Mr. Wheeler
Mr. Dygert	Mr. Hubbard	Mr. Sloughter	39

Thereupon,

Mr. Mann made a motion that the house should agree to amend the said resolution, by striking out of the same the word "not."

Debates were had upon the said motion of Mr. Mann; and the question being put whether the house would agree thereto, it was determined in the negative.

{NAYS 65}
{AYES 33}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Arnold	Mr. Dyckman	Mr. Lindsley	Mr. Sheppard
Mr. Bacon	Mr. Fillmore	Mr. C. L. Livingston	Mr. Sill
Mr. Bailey	Mr. Fleming	Mr. Mandeville	Mr. Skinner
Mr. E. Baker	Mr. Fowler	Mr. Mathews	Mr. A. Smith
Mr. Bogert	Mr. P. C. Fuller	Mr. M'Crea	Mr. Soper
Mr. Bostwick	Mr. Garbutt	Mr. J. M'Donald	Mr. Starr
Mr. Boynton	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Bradish	Mr. Graham	Mr. Morell	Mr. Titus
Mr. Brown	Mr. W. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. Norton	Mr. Vanderbilt
Mr. Cargill	Mr. Hedges	Mr. Paige	Mr. Van Wyck
Mr. Carrier	Mr Heermans	Mr. Phoenix	Mr. Waugh
Mr. Case	Mr. Holdridge	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Hornbeek	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hubbell	Mr. Scott	Mr. Wyckoff
Mr. Dayton	Mr. Judd	Mr. Seeley	Mr. Young
Mr. Dean			65

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Eldridge	Mr. Keith	Mr. Spier
Mr. Austin	Mr. Falley	Mr. Mann	Mr. Stanton
Mr. Baragar	Mr. Fitch	Mr. W. M'Donald	Mr. Taber
Mr. Barnett	Mr. Franklin	Mr. Mixer	Mr. Tailor
Mr. Carley	Mr. W. K. Fuller	Mr. Sanford	Mr. Tower
Mr. Chandler	Mr. J. Hall	Mr. Sloughter	Mr. Waring
Mr. Defreest	Mr. Hammond	Mr. L. Smith	Mr. Wheeler
Mr. Dygert	Mr. Jenkins	Mr. Speaker	Mr. White
Mr. Edgerton			33

Thereupon,

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

The Senate returned, by their clerk, the bill entitled "An act making further appropriations to complete the Cayuga and Seneca canal, and for other purposes;" the bill entitled "An act to provide for the apportionment of school money in the city of Schenectady;" the bill entitled "An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812;" the bill entitled "An act to appoint commissioners to lay out a road across the Onondaga Indian reservation;" the bill entitled "An act to incorporate the Scottsville turnpike company;" the bill entitled "An act to erect the town of Arkwright in the county of Chautauque;" and the bill entitled "An act to incorporate the village of Canajoharie in the county of Montgomery."

Ordered, That the clerk deliver the said bills to the acting Governor.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to levy a tax of half a mill upon each dollar of the valuation of the real and personal estates in this state;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. White, from the said committee, reported progress, and asked for leave to sit again.

Mr. Speaker put the question whether the house would grant such leave, and it was determined in the negative.

Mr. Paige, from the select committee to which was committed the bill entitled "An act to authorise the trustees of Union college to withdraw a part of the stock held by them in the Mohawk Bank," reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the House adjourned until nine o'clock to-morrow morning.

THURSDAY, APRIL 30, 1829.

The House met pursuant to adjournment.

Mr. Brinkherhoff, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act relative to the militia and the public defence in the county of Kings," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that the bill be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. C. L. Livingston, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the American institute in the city of New-York," reported, that they have examined the said bill, and see no reason why the same should not be passed into a law, and recommend that the bill be ordered to a third reading.

Thereupon,

By unanimous consent, the said bill was ordered to a third reading.

Mr. Baragar, from the select committee to which was committed the bill entitled "An act to amend an act entitled 'An act declaring a part of Cayuta creek a public highway,' passed February 20th, 1827," reported, that the committee had gone through the said bill, made an amendment thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Randall, from the select committee to which was committed the bill entitled "An act for the relief of Seth Wetmore, in relation to his purchase of certain lands of this state, and for other purposes," reported, that the committee had gone through the said bill, altered the title so as to read "An act for the relief of Seth Wetmore," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising the choice of commissioners of deeds in the several towns of the state, at their annual town meetings;" and that the same be referred to a select committee, consisting of Mr. Spier, Mr. Mann and Mr Edgerton, to consider and report thereon.

Ordered, That the bill entitled "An act for the relief of Andrew P. Tillman," be referred to the committee of the whole, when on the bill to incorporate Manhattan college.

Ordered, That the bill entitled "An act to extend the charter of the Rensselaer bridge company," be referred to the committee of the whole, when on the bill to incorporate Manhattan college.

Ordered, That the bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake," be referred to the committee of the whole, when on the bill to incorporate Manhattan college.

Ordered, That Mr. Eldridge and Mr. Sill have leave of absence for the remainder of the session, and Mr. Fowler for one day.

The house then proceeded to the consideration of the resolution of the Senate as entered on the journal of Tuesday last; the same being amended, was read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the canal commissioners be requested to cause a survey and estimate to be made, 1st, Of constructing a side-cut and aqueduct from the Erie canal, over the Mohawk river, near the village of Amsterdam, with a commodious basin on the north side of said river, on the level of said canal; and, 2d, Of constructing a dam on the said river, between the villages of Amsterdam and Cranesville, with a navigable feeder connecting it with the said canal, at or immediately below Phillips' locks in the town of Florida in the county of Montgomery: Said commissioners shall report to the legislature, as early as may be at its next session, such surveys and estimates; together with the relative advantages and disadvantages of such improvements to the canal revenue, and extent of accommodation to the country adjacent: And the said commissioners shall also cause to be surveyed, the route of a canal, or canal and slack water navigation, from the Canandaigua lake, to the most convenient point on the Erie canal; and report to the next legislature such survey, and an estimate of the expense of constructing such canal or canal and slack water navigation: Also a canal route from Plattsburgh in the county of Clinton, to Ogdensburgh in the county of St. Lawrence; and that they report to the next legislature their survey and estimates in a detailed form: And shall also cause a survey to be made of the Mohawk river from Schenectady to Utica, and also of the route of a canal on the north side of said river; and to report to the next legislature the surveys and estimates of expense of constructing a slack water navigation in said river, and of a canal on the north side thereof.

Thereupon,

Mr. White made a motion that the house should agree to reconsider its vote on adopting that part of the said resolution relating to the navigation from Canandaigua lake to the Erie canal, in the words following, to wit:

"And the said commissioners shall also cause to be surveyed, the route of a canal, or canal and slack water navigation, from the Canandaigua lake, to the most convenient point on the Erie canal; and report to the next legislature such survey, and an estimate of the expense of constructing such canal or canal and slack water navigation."

Mr. Speaker put the question whether the house would agree to the said motion, and it was determined in the negative.

NAYS	60
AYES	21

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Edgerton	Mr. Hubbell	Mr. Seeley
Mr. Armstrong	Mr. Fillmore	Mr. Hynds	Mr. Sill
Mr. Arnold	Mr. P. C. Fuller	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Garbutt	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Gardner	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker,	Mr. Goodman	Mr. Mann	Mr. L. Smith
Mr. Bostwick	Mr. Gosman	Mr. W. M'Donald	Mr. Speaker

Mr. Boynton	Mr. Graham	Mr. M'Niel	Mr. Tailor	
Mr. Brown	Mr. J. Hall	Mr. Mixer	Mr. Teller	
Mr. Burt	Mr W. Hall	Mr. Noble	Mr. Titus	
Mr. Carrier	Mr. Hascall	Mr. Norton	Mr. Vanderbilt	
Mr. Case	Mr. Hazeltine	Mr. Partridge	Mr. Van Wyck	
Mr. Collier	Mr. Hedges	Mr. Phoenix	Mr. Waugh	
Mr. Dayton	Mr. Holdridge	Mr. Sanford	Mr. Williams	
Mr. Dygert	Mr. Hubbard	Mr. Scott	Mr. Williamson	60

Those who voted in the affirmative are—

Mr. Austin	Mr. Curtiss	Mr Myers	Mr. Tower	
Mr. Bogert	Mr. Dean	Mr. Paige	Mr. Wheeler	
Mr. Bradish	Mr. Fitch	Mr. Randall	Mr. White	
Mr. Cargill	Mr. C. L. Livingston	Mr. Sheppard	Mr. Wyckoff	
Mr. Carley	Mr. J. M'Donald	Mr. Spier	Mr. Young	
Mr. Chandler				21

Thereupon,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their said resolution as amended, and it was determined in the negative.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the village of Fredonia."

The said bill and amendments were read: and the amendments having been again read, and the question being divided, the first of the said amendments was read, in the words following, to wit:

Strike out of the second section of the bill the words following, to wit: "and be a person in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all suits and actions, complaints and causes whatsoever; and may have a common seal, and may change and alter the same at pleasure."

Mr. Speaker put the question whether the house would agree to concur with the Senate in the said amendment to the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{NAYS 85}
{AYES 07}

Those who voted in the negative are—

Mr. Al Burtis	Mr. Dyckman	Mr. C. L. Livingston	Mr. Sloughter	
Mr. Allison	Mr. Dygert	Mr. Mandeville	Mr. A. Smith	
Mr Armstrong	Mr. Falley	Mr. M'Crea	Mr. H. D. Smith	
Mr. Austin	Mr Fillmore	Mr. J. M'Donald	Mr. L. Smith	
Mr. Bacon	Mr. Fitch	Mr. W. M'Donald	Mr. Soper	
Mr. Bailey	Mr. Fleming	Mr. M'Niel	Mr. Speaker	
Mr. C. Baker	Mr. P. C. Fuller	Mr. Mixer	Mr. Spier	
Mr. E. Baker	Mr. Garbutt	Mr. Morell	Mr. Stanton	
Mr. Baragar	Mr. Gardner	Mr. Myers	Mr. Starr	
Mr. Barnett	Mr. Garnsey	Mr. Norton	Mr. Taber	
Mr. Bogert	Mr. Goodman	Mr. Paige	Mr. Tailor	
Mr. Bostwick	Mr. Graham	Mr. Partridge	Mr. Teller	
Mr. Boynton	Mr. Hascall	Mr. Randall	Mr. Titus	
Mr. Brinkerhoff	Mr. Heermans	Mr. Redfield	Mr. Tower	
Mr. Burt	Mr. Hornbeek	Mr. Sanford	Mr. J. Van Beuren	
Mr. Cargill	Mr. Hubbell	Mr. Savage	Mr. Waring	
Mr. Carley	Mr. Hynds	Mr. Scott	Mr. Willey	
Mr. Carrier	Mr. Jenkins	Mr. Seeley	Mr. Williams	
Mr. Collier	Mr. Judd	Mr. Sheppard	Mr. Williamson	
Mr. Curtiss	Mr. Keith	Mr. Sill	Mr. Wyckoff	
Mr. Dayton	Mr. Lindsley	Mr. Skinner	Mr. Young	
Mr. Defreest				85

Those who voted in the affirmative are—

Mr. Bradish	Mr. Chandler	Mr. Dean	Mr. Noble
Mr. Case	Mr. Davenport	Mr. Gosman	7

Thereupon,

The second of the said amendments was read, in the words following, to wit:

Strike out of the second section the words, "to prevent or punish by pecuniary fines and penalties, open drunkenness in said village."

Mr. Speaker put the question whether the house would agree to concur with the Senate in their said amendment, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	09

Those who voted in the affirmative are—

Mr. Allison	Mr. Davenport	Mr. Keith	Mr. Soper
Mr. Armstrong	Mr. Dayton	Mr. C. L. Livingston	Mr. Speaker
Mr. Austin	Mr. Defreest	Mr. Mandeville	Mr. Spier
Mr. Bacon	Mr. Dyckman	Mr. Mann	Mr. Stanton
Mr. Bailey	Mr. Dygert	Mr. W. M'Donald	Mr. Starr
Mr. C. Baker	Mr. Falley	Mr. M'Niel	Mr. Taber
Mr. E. Baker	Mr. Fitch	Mr. Mixer	Mr. Tailor
Mr. Baragar	Mr. Franklin	Mr. Morell	Mr. Titus
Mr. Barnet	Mr. P. C. Fuller	Mr. Myers	Mr. Tower
Mr. Bogert	Mr. Garbutt	Mr. Noble	Mr. J. Van Beuren
Mr. Bostwick	Mr. Gardner	Mr. Norton	Mr. Vanderbilt
Mr. Boynton	Mr. Garnsey	Mr. Partridge	Mr. Van Wyck
Mr. Bradish	Mr. Goodman	Mr. Randall	Mr. Waring
Mr. Brinkerhoff	Mr. J. Hall	Mr. Sanford	Mr. Waugh
Mr. Brown	Mr. W. Hall	Mr. Savage	Mr. Wheeler
Mr. Burt	Mr. Hammond	Mr. Scott	Mr. White
Mr. Carley	Mr. Hascall	Mr. Sheppard	Mr. Willey
Mr. Carrier	Mr. Hazeltine	Mr. Sill	Mr. Williams
Mr. Case	Mr. Hedges	Mr. Skinner	Mr. Williamson
Mr. Chandler	Mr. Hynds	Mr. Sloughter	Mr. Wyckoff
Mr. Collier	Mr. Jenkins	Mr. H. D. Smith	Mr. Young
Mr. Curtiss	Mr. Judd	Mr. L. Smith	87

Those who voted in the negative are—

Mr. Cargill	Mr. Hubbell	Mr. M'Crea	Mr. Redfield
Mr. Dean	Mr. Lindsley	Mr. J. M'Donald	Mr. A. Smith
Mr. Gosman			9

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have non-concurred with them in their first amendment to the said bill, and have concurred in their other amendment to the said bill, as the same are particularly designated in the margin of the said amendments.

Mr. Hubbell offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, (if the Senate concur herewith,) That the canal commissioners be requested and authorised to cause to be surveyed, the route of a canal, or of a canal and slack water navigation, from the Canandaigua lake, to the most convenient point on the Erie canal; and report to the next legislature, an estimate of the expense of constructing such canal or canal and slack water navigation, together with their surveys.

Ordered, That the said resolution be laid upon the table.

Mr. Wheeler offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That the canal commissioners be requested to cause a survey and estimate to be made, 1st, Of constructing a side-cut and aqueduct from the Erie canal, over the Mohawk river, near the village of Amsterdam, with a commodious basin on the north side of said river, on the level of said canal; and, 2d, Of constructing a dam on the said river, between the villages of Amsterdam and Cranesville, with a navigable feeder connecting it with the said canal, at or immediately below Phillips' locks in the town of Florida in the county of Montgomery: Said commissioners shall report to the legislature, as early as may be at its next session, such surveys and estimates; together with the relative advantages and disadvantages of such improvements to the canal revenue, and extent of accommodations to the country adjacent.

Ordered, That the said resolution be laid upon the table.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to divide the town of Ellington in the county of Chautauque," and find the same correctly engrossed.

Thereupon,

The said bill being amended by the house,

Ordered, That the bill be re-engrossed.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junins, Seneca-Falls and Tyre, in the county of Seneca;" the engrossed bill entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company;'" and the engrossed bill entitled "An act to authorise the trustees of Union college to withdraw a part of the stock held by them in the Mohawk Bank;" and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junius, Seneca-Falls and Tyre, in the county of Seneca," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

Ordered, That the said engrossed bill, entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company,'" and the said engrossed bill entitled "An act to authorise the trustees of Union college to withdraw a part of the stock held by them in the Mohawk Bank," be laid upon the table.

The engrossed bill from the Senate, entitled "An act concerning marine insurance in the state of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

AYES	60
NAYS	38

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Davenport	Mr. C. L. Livingston	Mr. Seeley
Mr. Allison	Mr. Dayton	Mr. Mallory	Mr. Sill
Mr. Arnold	Mr. Dean	Mr. Mandeville	Mr. A. Smith
Mr. Austin	Mr. Defreest	Mr. Mann	Mr. L. Smith
Mr. C. Baker	Mr. Dyckman	Mr. M'Crea	Mr. Soper
Mr. E. Baker	Mr. Falley	Mr. J. M'Donald	Mr. Stanton
Mr. Baragar	Mr. W. K. Fuller	Mr. M'Niel	Mr. Taber

Mr. Barnet	Mr. Gosman	Mr. Morell	Mr. Tailor
Mr. Boynton	Mr. Graham	Mr. Myers	Mr. J. Van Beuren
Mr. Bradish	Mr. J. Hall	Mr. Noble	Mr. Waring
Mr. Brinkerhoff	Mr. W. Hall	Mr. Paige	Mr. Waugh
Mr. Cargill	Mr. Hammond	Mr. Phoenix	Mr. Williams
Mr. Carrier	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Collier	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff
Mr. Curtiss	Mr. Keith	Mr. Savage	Mr. Young 60

Those who voted in the negative are—

Mr. Bacon	Mr. Fleming	Mr. Lindsley	Mr. Speaker
Mr. Bogert	Mr. P. C. Fuller	Mr. W. M'Donald	Mr. Spier
Mr. Brown	Mr. Gardner	Mr. Norton	Mr. Teller
Mr. Burt	Mr. Garnsey	Mr. Partridge	Mr. Titus
Mr. Carley	Mr. Goodman	Mr. Randall	Mr. Tower
Mr. Chandler	Mr. Hazeltine	Mr. Scott	Mr. Van Wyck
Mr. Dygert	Mr. Hubbard	Mr. Sheppard	Mr. Wheeler
Mr. Edgerton	Mr. Hynds	Mr. Skinner	Mr. White
Mr. Fillmore	Mr. Jenkins	Mr. Sloughter	Mr. Willey
Mr. Fitch	Mr. Judd		38

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act relating to the militia and the public defence in the county of Kings," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill, entitled "An act to incorporate the president, directors and company of the Onondaga County Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 88}
{NAYS 23}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Curtiss	Mr. Hubbell	Mr. Sill
Mr. Allison	Mr. Dayton	Mr. Jenkins	Mr. Skinner
Mr. Armstrong	Mr. Dean	Mr. Judd	Mr. H. D. Smith
Mr. Arnold	Mr. Defreest	Mr. Keith	Mr. L. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. Soper
Mr. Bailey	Mr. Fleming	Mr. Mandeville	Mr. Spier
Mr. C. Baker	Mr. Fowler	Mr. Mathews	Mr. Stanton
Mr. E. Baker	Mr. Franklin	Mr. J. M'Donald	Mr. Starr
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Niel	Mr. Taber
Mr. Barnett	Mr. Gardner	Mr. Mixer	Mr. Teller
Mr. Bogert	Mr. Garnsey	Mr. Morell	Mr. Tower
Mr. Bostwick	Mr. Goodman	Mr. Myers	Mr. J. Van Beuren
Mr. Boynton	Mr. Graham	Mr. Noble	Mr. Vanderbilt
Mr. Bradish	Mr. Graves	Mr. Paige	Mr. Van Wyck
Mr. Brinkerhoff	Mr. J. Hall	Mr. Partridge	Mr. Waring
Mr. Brown	Mr. W. Hall	Mr. Phoenix	Mr. Waugh
Mr. Burt	Mr. Hammond	Mr. Randall	Mr. Wheeler
Mr. Carley	Mr. Hascall	Mr. Sanford	Mr. White
Mr. Carrier	Mr. Hazeltine	Mr. Savage	Mr. Willey
Mr. Case	Mr. Heermans	Mr. Scott	Mr. Williams
Mr. Chandler	Mr. Hornbeek	Mr. Seeley	Mr. Wyckoff
Mr. Collier	Mr. Hubbard	Mr. Sheppard	Mr. Young 88

Those who voted in the negative are—

Mr. Bacon	Mr. Fitch	Mr. Mann	Mr. A. Smith
Mr. Cargill	Mr. W. K. Fuller	Mr. M'Crea	Mr. Speaker
Mr. Davenport	Mr. Garbutt	Mr. W. M'Donald	Mr. Tailor
Mr. Dyckman	Mr. Gosman	Mr. Norton	Mr. Titus
Mr. Dygert	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Edgerton	Mr. C. L. Livingston	Mr. Sloughter	23

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the charter of the Sun fire insurance company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 91}
{NAYS 01}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr Jenkins	Mr. H. D. Smith
Mr. Armstrong	Mr. Dean	Mr. Judd	Mr. L. Smith
Mr. Arnold	Mr. Defreest	Mr. Keith	Mr. Soper
Mr. Austin	Mr. Dyckman	Mr. Lindsley	Mr. Speaker
Mr. Bacon	Mr. Falley	Mr. C. L. Livingston	Mr. Spier
Mr. Bailey	Mr. Fowler	Mr. Mandeville	Mr. Stanton
Mr. C. Baker	Mr. Garbutt	Mr. M'Crea	Mr. Starr
Mr. E. Baker	Mr. Gardner	Mr. M'Niel	Mr. Taber
Mr. Baragar	Mr. Garnsey	Mr. Mixer	Mr. Tailor
Mr. Barnett	Mr. Goodman	Mr. Morell	Mr. Titus
Mr. Bogert	Mr. Gosman	Mr. Myers	Mr. Tower
Mr. Bostwick	Mr. Graham	Mr. Noble	Mr. J. Van Beuren
Mr. Boynton	Mr. J. Hall	Mr. Norton	Mr. Vanderbilt
Mr. Bradish	Mr. W. Hall	Mr. Partridge	Mr. Van Wyck
Mr. Brown	Mr. Hammond	Mr. Phoenix	Mr. Waring
Mr. Burt	Mr. Hascall	Mr. Randall	Mr. Waugh
Mr. Cargill	Mr. Hazeltine	Mr. Redfield	Mr. Wheeler
Mr. Carley	Mr. Hedges	Mr. Sanford	Mr. White
Mr. Carrier	Mr. Heermans	Mr. Savage	Mr. Willey
Mr. Case	Mr. Hornbeek	Mr. Scott	Mr. Williams
Mr. Chandler	Mr. Hubbard	Mr. Sheppard	Mr. Wyckoff
Mr. Collier	Mr. Hubbell	Mr. Skinner	Mr. Young
Mr. Curtiss	Mr. Hynds	Mr. Sloughter	91

Those who voted in the negative are—

Mr. Davenport 1

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

{AYES 49}
{NAYS 42}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Al Burtis	Mr Fleming	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fowler	Mr. Lindsley	Mr. A. Smith
Mr C. Baker	Mr. Garbutt	Mr. C. L. Livingston	Mr. H. D. Smith
Mr. E. Baker	Mr. Gardner	Mr. M'Crea	Mr. Soper
Mr. Bogert	Mr. Gosman	Mr. Norton	Mr. Starr
Mr. Bostwick	Mr. Graham	Mr. Paige	Mr. Teller
Mr. Bradish	Mr. Hascall	Mr. Partridge	Mr. Titus
Mr. Brown	Mr. Hazeltine	Mr. Randall	Mr. J. Van Beuren
Mr. Cargill	Mr. Heermans	Mr. Redfield	Mr. Vanderbilt
Mr. Curtiss	Mr Holdridge	Mr. Scott	Mr. Waugh
Mr. Davenport	Mr. Hubbell	Mr. Seeley	Mr. White
Mr. Dean	Mr. Jenkins	Mr. Sheppard	Mr. Young
Mr. Dyckman			49

Those who voted in the negative are—

Mr. Armstrong	Mr. Franklin	Mr. J. M'Donald	Mr. Spier
Mr. Baragar	Mr. Garnsey	Mr. W. M'Donald	Mr. Stanton
Mr. Barnet	Mr. Goodman	Mr. M'Niel	Mr. Taber
Mr. Brinkerhoff	Mr. Graves	Mr. Mixer	Mr. Tailor
Mr. Burt	Mr. Hammond	Mr. Noble	Mr. Tower
Mr. Carley	Mr. Hedges	Mr. Phoenix	Mr. Waring
Mr. Carrier	Mr. Hubbard	Mr. Sanford	Mr. Wheeler
Mr. Defreest	Mr. Keith	Mr. Sloughter	Mr. Willey
Mr. Edgerton	Mr. Mandeville	Mr. L. Smith	Mr. Williams
Mr. Falley	Mr. Mann	Mr. Speaker	Mr. Williamson
Mr. Fitch	Mr. Mathews		42

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the Owasco and Erie canal company."

The said bill and amendments were read; and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 105
NAYS 00}

Those who voted in the affirmative are—

Mr. Al Burtis	Mr. Dyckman	Mr. Hynds	Mr. Skinner
Mr. Allison	Mr. Dygert	Mr. Judd	Mr. Sloughter
Mr. Arnold	Mr. Edgerton	Mr. Keith	Mr. A. Smith
Mr. Austin	Mr. Falley	Mr. Lindsley	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. C. L. Livingston	Mr. L. Smith
Mr. Bailey	Mr. Fitch	Mr. Mandeville	Mr. Soper
Mr. C. Baker	Mr. Fleming	Mr. Mann	Mr. Speaker
Mr. E. Baker	Mr. Franklin	Mr. M'Crea	Mr. Spier
Mr. Baragar	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Stanton
Mr. Barnet	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Garbutt	Mr. M'Niel	Mr. Taber

Mr. Boynton	Mr. Gardner	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Garnsey	Mr. Morell	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. Myers	Mr. Titus
Mr. Brown	Mr. Gosman	Mr. Noble	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Norton	Mr. J. Van Beuren
Mr. Cargill	Mr. Graves	Mr. Paige	Mr. Vanderbilt
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Van Wyck
Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Waring
Mr. Case	Mr. Hascall	Mr. Randall	Mr. Waugh
Mr. Chandler	Mr. Hazeltine	Mr. Redfield	Mr. White
Mr. Collier	Mr. Heermans	Mr. Savage	Mr. Willey
Mr. Curtiss	Mr. Holdridge	Mr. Scott	Mr. Williams
Mr. Davenport	Mr. Hornbeek	Mr. Seeley	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Sill	Mr. Young
Mr. Defreest			105

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

EXECUTIVE DEPARTMENT,
Albany, *April* 30, 1829.

SIR—I return you the bill "to incorporate the New-York sacred music society," for the purpose of correcting an apparent error in the seventh section. The reference in that section to the revised laws, omits the chapter.

I have the honor to be,
Yours, respectfully,
E. T. THROOP.

The Hon. the Speaker of the Assembly.

Thereupon,

Ordered, That the said bill and communication be referred to a select committee, consisting of Mr. Dyckman, Mr. Al Burtis and Mr. Bogert.

Three several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to extend for a limited period the charter of the Bank of Albany;" the bill entitled "An act to extend for a limited period the charter of the Catskill Bank;" and the bill entitled "An act to incorporate the president, directors and company of the National Bank in the city of New-York," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The Senate returned, by their clerk, the bill entitled "An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th, 1827."

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act further to amend an act entitled 'An act to incorporate the village of Palmyra in the county of Wayne,' passed March 29th, 1827;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Boynton, Mr. Armstrong and Mr. Hubbell, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill, amendments and a copy of the resolution therein mentioned, was read, informing that they have non-concurred with this house in their amendments to the bill entitled "An act to prevent hawking and peddling in the city of New-York."

Ordered, That the said bill be laid upon the table.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany," with the amendments therewith delivered.

The said bill and amendments were read,

Ordered, That the same be laid upon the table.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the president, directors and company of the Ogdensburgh Bank;" the bill entitled "An act to incorporate the president, directors and company of the Wayne County Bank;" the bill entitled "An act to incorporate the president, directors and company of the Bank of Whitehall;" the bill entitled "An act to alter the law in relation to courts of general sessions in the county of Montgomery;" the bill entitled "An act to incorporate the Cooperstown, Schoharie and Durham turnpike road company;" and the bill entitled "An act relative to the Oxford and Lackawaxen turnpike road company," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to incorporate the president, directors and company of the Merchants' and Mechanics' Bank of the city of Troy."

"An act concerning vessels lying in the bay and harbor of New-York."

"An act for the relief of the Reformed Presbyterian congregation of the town of Galway in the county of Saratoga."

"An act to extend for a limited period the charter of the Jefferson County Bank."

"An act authorising John Seymour to erect a dam in the Susquehannah river."

"An act to amend an act entitled 'An act to incorporate the village of Ogdensburgh,' passed April 9th, 1824."

"An act to incorporate the Butternuts and Unadilla hemp manufacturing company."

"An act to extend for a limited period the charter of the Ontario Bank."

"An act to extend for a limited period the charter of the Middle District Bank."

"An act to extend for a limited period the charter of the Bank of Chenango."

"An act to extend for a limited period the charter of the Bank of Newburgh."

"An act to extend for a limited period the charter of the Central Bank."

"An act to incorporate the president, directors and company of the Bank of Genesee."

E. T. THROOP.

Albany, *April* 29, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to incorporate the village of Canajoharie in the county of Montgomery."

"An act making further appropriations to complete the Cayuga and Seneca canal, and for other purposes."

"An act to provide for the apportionment of school money in the city of Schenectady."

"An act to incorporate the Scottsville canal company."

"An act to appoint commissioners to lay out a road across the Onondaga Indian reservation."

"An act to erect the town of Arkwright in the county of Chautauque."

"An act to amend the act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Cooperstown in the county of Otsego,' passed June 12th, 1812."

E. T. THROOP.

Albany, *April* 30, 1829.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the Assembly concur,) That the hour for the adjournment of the Legislature on Tuesday next, be twelve o'clock at noon.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

And then the house adjourned until four o'clock this afternoon.

4 O'CLOCK P. M.

The House met pursuant to adjournment.

The house then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to incorporate Manhattan college;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Mr. Mann made a motion that the house should agree to amend the said report, by striking out of the third section all after the word "of" in the second line, and inserting in lieu thereof the following: "thirteen trustees to be appointed by the regents of the university, in the same manner as by law trustees are appointed in the medical colleges of this state."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Mann, and it was determined in the negative.

NAYS	48
AYES	26

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Armstrong	Mr. Carrier	Mr. Hazeltine	Mr. Sheppard
Mr. Bailey	Mr. Case	Mr. Judd	Mr. Sloughter
Mr. C. Baker	Mr. Dayton	Mr. Lindsley	Mr. Speaker
Mr. E. Baker	Mr. Dean	Mr. Mandeville	Mr. Spier
Mr. Barnett	Mr. Dyckman	Mr. M'Crea	Mr. Taber

Mr. Bogert	Mr. Edgerton	Mr. W. M'Donald	Mr. J. Van Beuren	
Mr. Boynton	Mr. Fillmore	Mr. M'Niel	Mr. Van Wyck	
Mr. Bradish	Mr. Fleming	Mr. Mixer	Mr. Waugh	
Mr. Brown	Mr. Gardner	Mr. Morell	Mr. Wheeler	
Mr. Burt	Mr. Gosman	Mr. Myers	Mr. Willey	
Mr. Cargill	Mr. Graham	Mr. Norton	Mr. Williams	
Mr. Carley	Mr. J. Hall	Mr. Randall	Mr. Young	48

Those who voted in the affirmative are—

Mr. Allison	Mr. Hammond	Mr. Noble	Mr. Stanton	
Mr. Arnold	Mr. Hedges	Mr. Paige	Mr. Titus	
Mr. Austin	Mr. Hubbard	Mr. Seeley	Mr. Tower	
Mr. Bacon	Mr. Hubbell	Mr. Skinner	Mr. Vanderbilt	
Mr. Falley	Mr. Jenkins	Mr. A. Smith	Mr. White	
Mr. Fitch	Mr. Mann	Mr. L. Smith	Mr. Williamson	
Mr. W. K. Fuller	Mr. J. M'Donald			26

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

AYES	47
NAYS	27

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Carrier	Mr. Hazeltine	Mr. Sloughter	
Mr. Bailey	Mr. Dayton	Mr. Judd	Mr. A. Smith	
Mr. C. Baker	Mr. Dean	Mr. Lindsley	Mr. Spier	
Mr. E. Baker	Mr. Dyckman	Mr. Mandeville	Mr. Taber	
Mr. Barnet	Mr. Edgerton	Mr. M'Crea	Mr. J. Van Beuren	
Mr. Bogert	Mr. Falley	Mr. W. M'Donald	Mr. Van Wyck	
Mr. Boynton	Mr. Fillmore	Mr. M'Niel	Mr. Waugh	
Mr. Bradish	Mr Fleming	Mr. Mixer	Mr. Wheeler	
Mr. Brown	Mr. Gardner	Mr. Morell	Mr. Willey	
Mr. Burt	Mr. Gosman	Mr Myers	Mr. Williams	
Mr. Cargill	Mr. Graham	Mr. Norton	Mr. Young	
Mr. Carley	Mr. J. Hall	Mr. Sheppard		47

Those who voted in the negative are—

Mr. Allison	Mr. Hammond	Mr. Noble	Mr. Stanton	
Mr. Arnold	Mr. Hedges	Mr. Paige	Mr. Titus	
Mr. Austin	Mr. Hubbard	Mr. Randall	Mr. Tower	
Mr. Bacon	Mr. Hubbell	Mr. Seeley	Mr. Vanderbilt	
Mr. Case	Mr. Jenkins	Mr. Skinner	Mr. White	
Mr. Davenport	Mr. Mann	Mr. L. Smith	Mr. Williamson	
Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Speaker		27

Thereupon,

The said bill was ordered to a third reading.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act authorising Edward Lyde and John M'Comb, surviving trustees under the will of Henry Spingler deceased, to sell certain real estate;" and that the same be referred to a select committee, consisting of Mr. Dayton, Mr. Arnold and Mr. Myers, to consider and report thereon.

And then the House adjourned until nine o'clock to-morrow morning.

FRIDAY, MAY 1, 1829.

The House met pursuant to adjournment.

Mr. Bogert, from the select committee to which was referred the bill to incorporate the New-York sacred music society, and the communication from his excellency the acting Governor, respecting the said bill, reported:

That the committee having examined the bill, find that the words "of the eighteenth chapter," should be inserted after the word "title" in the third line of the seventh section of the bill. The committee therefore recommend that this informal amendment be made in the bill.

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the clerk deliver the said bill, together with a copy of the preceding report, to the Senate.

Sundry documents relative to the bill for the payment of certain officers of government, were read, and referred to a committee of the whole when on the bill upon that subject.

Mr. Spier, from the select committee to which was committed the bill entitled "An act authorising the choice of commissioners of deeds in the several towns of this state, at their annual town meetings," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A communication from John Dobson, an inspector of leather for the county of Erie, was read, in the words following, to wit:

To the Honorable the Legislature of the State of New-York:

The report of John Dobson, an inspector of sole leather in and for the county of Erie, made the first day of February, A. D. 1829, sheweth:

That during the year ending on the first day of January, 1829, there were eight hundred and forty sides of sole leather inspected by him, amounting to about thirteen thousand four hundred and forty pounds, some part of which was of the best, and all of a good quality, worth about twenty-five cents per pound; making the value of the leather so inspected, three thousand three hundred and sixty dollars: That his fees thereon are about thirty-three dollars and sixty cents, at the rate of four cents per side.

And this report further sheweth, that there has been, during the last year, and still continues to be, an increase in the quantity as well as improvement in the quality of the sole leather manufactured in this county, and that the trade in this article is in altogether a flourishing condition.

All which is respectfully submitted.

JOHN DOBSON, *Inspector of Leather*
in and for the county of Erie.

Ordered, That the said report be laid upon the table.

The engrossed bill from the Senate, entitled "An act to incorporate Manhattan college," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

AYES	53
NAYS	35

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Graham	Mr. Partridge
Mr. Bailey	Mr. Dean	Mr. J. Hall	Mr. Sheppard
Mr. C. Baker	Mr. Defreest	Mr. Hazeltine	Mr. Sloughter
Mr. E. Baker	Mr. Dyckman	Mr. Hornbeek	Mr. A. Smith
Mr. Baragar	Mr. Efner	Mr. Hynds	Mr. Spier
Mr. Barnett	Mr. Falley	Mr. Judd	Mr. Taber
Mr. Boynton	Mr. Franklin	Mr. Keith	Mr. Tailor
Mr. Bradish	Mr. P. C. Fuller	Mr. Lindsley	Mr. Van Wyck
Mr. Brown	Mr. Garbutt	Mr. Mandeville	Mr. Waring
Mr. Burt	Mr. Gardner	Mr. M'Crea	Mr. Waugh
Mr. Cargill	Mr. Garnsey	Mr. Mixer	Mr. Wheeler
Mr. Carley	Mr. Goodman	Mr. Myers	Mr. Willey
Mr. Carrier	Mr. Gosman	Mr. Norton	Mr. Williams
Mr. Curtiss			53

Those who voted in the negative are—

Mr. Allison	Mr. W. K. Fuller	Mr. Johnson	Mr. Seeley
Mr. Arnold	Mr. W. Hall	Mr. Mallory	Mr. Skinner
Mr. Austin	Mr. Hammond	Mr. Mann	Mr. L. Smith
Mr. Bacon	Mr. Hedges	Mr. J. M'Donald	Mr. Speaker
Mr. Bostwick	Mr Hoermans	Mr. M'Niel	Mr. Stanton
Mr. Chandler	Mr. Holdridge	Mr. Noble	Mr. Titus
Mr. Davenport	Mr. Hubbard	Mr. Paige	Mr. Tower
Mr. Dygert	Mr. Hubbell	Mr. Redfield	Mr. Williamson
Mr. Fitch	Mr. Jenkins	Mr. Savage	35

The engrossed bill entitled "An act to revive and continue in force an act entitled 'An act to incorporate the Utica and Minden turnpike road company,'" was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{NAYS 48}
{AYES 38}

Those who voted in the negative are—

Mr. Armstrong	Mr. Efner	Mr Jenkins	Mr. A. Smith
Mr. Bostwick	Mr. Fitch	Mr. Keith	Mr. L. Smith
Mr. Boynton	Mr. Garbutt	Mr. Lindsley	Mr. Speaker
Mr. Burt	Mr. Garnsey	Mr. J. M'Donald	Mr. J. Van Beuren
Mr. Cargill	Mr. Goodman	Mr. Mixer	Mr. Vanderbilt
Mr. Carley	Mr. Gosman	Mr. Noble	Mr. Waring
Mr. Curtiss	Mr. Graham	Mr. Partridge	Mr. Waugh
Mr. Davenport	Mr. Graves	Mr. Redfield	Mr. Wheeler
Mr. Dean	Mr. Hascall	Mr. Sanford	Mr. Willey
Mr. Defreest	Mr. Hazeltine	Mr. Seeley	Mr. Williams
Mr. Dygert	Mr. Hornbeek	Mr. Sheppard	Mr. Williamson
Mr. Edgerton	Mr. Hynds	Mr. Sill	Mr. Young 48

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Mallory	Mr. Skinner
Mr. Arnold	Mr. Falley	Mr. Mandeville	Mr. Sloughter
Mr. Austin	Mr. P. C. Fuller	Mr. Mann	Mr. H. D. Smith
Mr. Bacon	Mr. J. Hall	Mr. M'Crea	Mr. Spier
Mr. C. Baker	Mr. W. Hall	Mr. M'Niel	Mr. Starr
Mr. E. Baker	Mr. Hammond	Mr. Myers	Mr. Taber
Mr. Barnett	Mr. Hedges	Mr. Paige	Mr. Titus
Mr. Brinkerhoff	Mr. Hubbard	Mr. Randall	Mr. Tower
Mr. Chandler	Mr. Hubbell	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr. Johnson		38

The engrossed bill from the Senate, entitled "An act for the relief of the New-York Protestant Episcopal public school," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 93}
{NAYS 00}

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Hubbell	Mr. Seeley
Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Sheppard
Mr. Arnold	Mr. Dygert	Mr. Jenkins	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. A. Smith
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. H. D. Smith
Mr. C. Baker	Mr. Franklin	Mr. Lindsley	Mr. L. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. Speaker
Mr. Baragar	Mr. W. K. Fuller	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Gardner	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Starr
Mr. Boynton	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. W. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Brown	Mr. J. Hall	Mr. Myers	Mr. J. Van Beuren
Mr. Burt	Mr. Hammond	Mr. Noble	Mr. Van Wyck
Mr. Cargill	Mr. Hascall	Mr. Norton	Mr. Waugh
Mr. Carley	Mr. Hazeltine	Mr. Paige	Mr. Wheeler
Mr. Carrier	Mr. Hedges	Mr. Partridge	Mr. White
Mr. Case	Mr. Heermans	Mr. Randall	Mr. Willey
Mr. Chandler	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Curtiss	Mr. Hornbeek	Mr. Sanford	Mr. Wyckoff
Mr. Dayton	Mr. Hubbard	Mr. Savage	Mr. Young
Mr. Dean			93

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany."

The said bill and amendments were read; and the amendments having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 94}
{NAYS 08}

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Hubbell	Mr. Savage
Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Seeley
Mr. Arnold	Mr. Dygert	Mr. Jenkins	Mr. Sheppard
Mr. Austin	Mr. Efner	Mr. Johnson	Mr. Sill
Mr. Bacon	Mr. Falley	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Franklin	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. P. C. Fuller	Mr. Mallory	Mr. L. Smith

Mr. Baragar	Mr. Gardner	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Garnsey	Mr. M'Crea	Mr. Stanton
Mr. Bogert	Mr. Goodman	Mr. J. M'Donald	Mr. Starr
Mr. Bostwick	Mr. Gosman	Mr. W. M'Donald	Mr. Taber
Mr. Boynton	Mr. Graham	Mr. M'Niel	Mr. Tower
Mr. Bradish	Mr. Graves	Mr. Mixer	Mr. J. Van Beuren
Mr. Brinkerhoff	Mr. J. Hall	Mr. Myers	Mr. Vanderbilt
Mr. Brown	Mr. W. Hall	Mr. Noble	Mr. Van Wyck
Mr. Cargill	Mr. Hammond	Mr. Norton	Mr. Waring
Mr. Carley	Mr. Hascall	Mr. Paige	Mr. Waugh
Mr. Carrier	Mr. Hazeltine	Mr. Partridge	Mr. Wheeler
Mr. Case	Mr. Hedges	Mr. Phoenix	Mr. Willey
Mr. Chandler	Mr. Heermans	Mr. Randall	Mr. Williams
Mr. Curtiss	Mr. Holdridge	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Hornbeek	Mr. Sanford	Mr. Young
Mr. Dean	Mr. Hubbard		94

Those who voted in the negative are—

Mr. Burt	Mr. W. K. Fuller	Mr. A. Smith	Mr. Tailor
Mr. Edgerton	Mr. Mann	Mr. Speaker	Mr. Titus 8

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the amendment of the Senate to the bill entitled "An act for the relief of the widow and children of James Usher."

The said bill and amendment were read; and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Davenport	Mr. Johnson	Mr. Sloughter
Mr. Armstrong	Mr. Dayton	Mr. Judd	Mr. A. Smith
Mr. Arnold	Mr. Dean	Mr. Keith	Mr. H. D. Smith
Mr. Austin	Mr. Dyckman	Mr. Lindsley	Mr. L. Smith
Mr. Bacon	Mr. Dygert	Mr. Mandeville	Mr. Speaker
Mr. C. Baker	Mr. Efner	Mr. Mann	Mr. Stanton
Mr. E. Baker	Mr. Falley	Mr. M'Crea	Mr. Starr
Mr. Baragar	Mr. P. C. Fuller	Mr. J. M'Donald	Mr. Taber
Mr. Barnett	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Tailor
Mr. Bogert	Mr. Garbutt	Mr. M'Niel	Mr. Titus
Mr. Bostwick	Mr. Goodman	Mr. Myers	Mr. Tower
Mr. Boynton	Mr. Gosman	Mr. Noble	Mr. J. Van Beuren
Mr. Bradish	Mr. Graham	Mr. Norton	Mr. Vanderbilt
Mr. Brinkerhoff	Mr. Hammond	Mr. Paige	Mr. Van Wyck
Mr. Brown	Mr. Hascall	Mr. Partridge	Mr. Waring
Mr. Burt	Mr. Hazeltine	Mr. Randall	Mr. Waugh
Mr. Cargill	Mr. Heermans	Mr. Redfield	Mr. Wheeler
Mr. Carley	Mr. Hornbeek	Mr. Sanford	Mr. Willey
Mr. Carrier	Mr. Hubbard	Mr. Savage	Mr. Williams
Mr. Case	Mr. Hubbell	Mr. Seeley	Mr. Williamson
Mr. Chandler	Mr. Hynds	Mr. Sheppard	Mr. Young
Mr. Curtiss	Mr. Jenkins	Mr. Sill	87

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

Ordered, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act for the relief of the heirs of John Wilkinson,' passed February 5th, 1829;" and that the same be referred to a select committee, consisting of Mr. Paige, Mr. Bradish and Mr. Burt, to consider and report thereon.

Ordered. That the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the fifty-first section of article third, title first of chapter sixteenth of the first part of the revised statutes;" and that the same be referred to a select committee, consisting of Mr. Willey, Mr. Burt and Mr. Hazeltine, to consider and report thereon.

Ordered, That the committee on canals and internal improvements be discharged from the further consideration of the petition for a survey of the west branch of the Hudson river to the Erie and Champlain canals; the petition for a side-cut from the Champlain canal to the Hudson river between Saratoga and Stillwater falls; and the petition for the construction of a canal from Lake George to Lake Champlain.

The house then proceeded to the consideration of the resolution offered yesterday by Mr. Hubbell; the same was again read, in the words following, to wit:

Resolved, (if the Senate concur herewith,) That the canal commissioners be requested and authorised to cause to be surveyed, the route of a canal. or of a canal and slack water navigation, from the Canandaigua lake, to the most convenient point on the Erie canal; and report to the next legislature, an estimate of the expense of constructing such canal or canal and slack water navigation, together with their surveys.

Thereupon,

Mr. Paige made a motion that the house should agree to amend the said resolution by adding thereto the following:

"And shall also cause a survey to be made of the Mohawk river, from Schenectady to Utica; and also of the route of a canal on the north side of said river; and to report to the next legislature the surveys and estimates of ex pense of constructing a slack water navigation in said river, and of a canal on the north side thereof."

Thereupon,

Mr. Mann made a motion that the house should agree to postpone the further consideration of the said resolution and amendment until the fourth day of July next.

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Mann, and it was determined in the affirmative.

AYES	49
NAYS	42

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Davenport	Mr. Keith	Mr. A. Smith
Mr. Austin	Mr. Dygert	Mr. Mann	Mr. Stanton
Mr. Bacon	Mr. Edgerton	Mr. W. M'Donald	Mr. Taber
Mr. E. Baker	Mr. W. K. Fuller	Mr. Mixer	Mr. Tailor
Mr. Baragar	Mr. Gosman	Mr Myers	Mr. Titus
Mr. Bostwick	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Brinkerhoff	Mr. Hammond	Mr. Redfield	Mr. J. Van Beuren
Mr. Brown	Mr. Hascall	Mr. Sanford	Mr. Vanderbilt
Mr. Burt	Mr. Hazeltine	Mr. Savage	Mr. Van Wyck
Mr. Carley	Mr. Hubbard	Mr. Seeley	Mr. Waugh
Mr. Carrier	Mr. Hynds	Mr. Sheppard	Mr. Williams
Mr. Case	Mr. Judd	Mr. Sloughter	Mr. Williamson
Mr. Curtiss			49

Those who voted in the negative are—

Mr. Arnold	Mr. P. C. Fuller	Mr. Lindsley	Mr. Skinner
Mr. C. Baker	Mr. Garbutt	Mr. Mallory	Mr. H. D. Smith
Mr. Barnet	Mr. Garnsey	Mr. Mandeville	Mr. L. Smith
Mr. Bogert	Mr. Goodman	Mr. M'Crea	Mr. Speaker
Mr. Boynton	Mr. Graves	Mr. J. M'Donald	Mr. Spier
Mr. Bradish	Mr. J. Hall	Mr. M'Niel	Mr. Starr
Mr. Cargill	Mr. Hedges	Mr. Norton	Mr. Waring
Mr. Dean	Mr. Hornbeek	Mr. Paige	Mr. Wheeler
Mr. Defreest	Mr. Hubbell	Mr. Partridge	Mr. Willey
Mr. Dyckman	Mr. Jenkins	Mr. Randall	Mr. Young
Mr. Fitch	Mr. Johnson		42

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the choice of commissioners of deeds in the several towns in this state, at their annual town-meetings," and find the same correctly engrossed.

Ordered, That the said bill be re-committed to a committee of the whole house.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act declaring a part of the Cayuta creek a public highway,' passed February 20th, 1827;" the engrossed bill entitled "An act to divide the town of Ellington in the county of Chautauque;" and the engrossed bill entitled "An act for the relief of Seth Wetmore," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An an act to amend an act entitled 'An act declaring a part of the Cayuta creek a public highway,' passed February 20th, 1827," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act to divide the town of Ellington in the county of Chautauque," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the relief of Seth Wetmore," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Willey, from the select committee to which was committed the bill entitled "An act to amend the fifty-first section of article third of title first of chapter sixteenth of the first part of the Revised Statutes," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title to "An act concerning commissioners of highways," and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

Mr. Dayton, from the select committee to which was committed the bill entitled "An act authorising Edward Lyde and John M'Comb, surviving trustees under the will of Henry Spingler deceased, to sell certain real estate," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred in the resolution of this house of Wednesday last, relating to the stipulation of Messrs. Yates and McIntyre upon the subject of the drawing of the lotteries of this state.

A message from the Senate, delivered by their clerk, with the bill, amendment and a copy of the resolution therein mentioned, was read, informing that

they have receded from their amendment to the bill entitled "An act to incorporate the village of Fredonia," which was non-concurred in by this house.

Ordered, That the clerk deliver the said bill to the acting Governor.

The Senate returned by their clerk, the bill entitled "An act to incorporate the Owasco and Erie canal company," and the bill entitled "An act relative to the revised statutes so far as relates to the establishment of a poor-house in the county of Allegany."

Ordered, That the clerk deliver the said bills to the acting Governor.

Fourteen several messages from the Senate, delivered by their clerk, with the bills and copies of the resolutions therein mentioned, were read, informing that they have rejected the bill entitled "An act to incorporate the president, directors and company of the Bank of Oneida;" the bill entitled "An act to incorporate the president, directors and company of the Butchers' and Drovers' Bank;" the bill entitled "An act for the appointment of a vice-chancellor for the first circuit;" the bill entitled "An act to amend the act entitled 'An act to incorporate the Windham and Durham turnpike road company;" the bill entitled "An act to extend for a limited period the charter of the Bank of Columbia;" the bill entitled "An act for the relief of the heirs and devisees of Jonas C. Baldwin, deceased;" the bill entitled "An act for the relief of Nathan Underwood;" the bill entitled "An act to incorporate the president, directors and company of the Bank of Buffalo;" the bill entitled "An act to incorporate the president, directors and company of the Livingston County Bank;" the bill entitled "An act to incorporate the president, directors and company of the Otsego County Bank;" the bill entitled "An act to incorporate the president, directors and company of the Saratoga County Bank;" the bill entitled "An act to incorporate the president, directors and company of the Bank of Brooklyn;" the bill entitled "An act to amend an act entitled 'An act to incorporate the president, directors and company of the Fulton Bank of the city of New-York;'" and the bill entitled "An act to incorporate the president, directors and company of the Greenwich and Manufacturers' Bank."

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have concurred with this house in its resolution of this day, agreeing with the report of the select committee to which was referred the bill entitled "An act to incorporate the New-York sacred music society."

Ordered, That the clerk deliver the said bill to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to amend section fifteen of title first, chapter twenty of the first part of the revised statutes, relative to the office of superintendent of the poor," and the bill entitled "An act further to extend the time of the payment of a loan made to Daniel Johnson," severally with the amendments therewith delivered.

The said bills and amendments were severally read; and the amendments having been again read and concurred in,

Ordered, That the clerk return the said bills to the Senate, and inform them that this house have concurred with them in their amendments to the said bills, and have amended the same accordingly.

Six several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act for the relief of Jedediah Morse;" the bill entitled "An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several districts of said town;" the bill entitled "An act to amend an act entitled 'An act concerning school districts number two and five in the town of Kinderhook;'" the bill entitled "An act to incorporate the East-kill turnpike road company;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie;'" and the bill entitled "An act further to extend the act passed April 11th, 1815,

entitled 'An act for the more effectual prevention of fires in the city of New-York," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act relative to the Oxford and Lackawaxen turnpike road company."

"An act to amend the act entitled 'An act to incorporate the Rochester high school in the county of Monroe,' passed March 15th. 1827."

"An act to incorporate the Cooperstown, Schoharie and Durham turnpike road company."

"An act to alter the law in relation to courts of general sessions in the county of Montgomery."

"An act to incorporate the president, directors and company of the National Bank in the city of New-York."

"An act to extend for a limited period the charter of the Bank of Albany."

"An act to extend for a limited period the charter of the Catskill Bank."

"An act to incorporate the president, directors and company of the Bank of Whitehall."

"An act to incorporate the president, directors and company of the Wayne County Bank."

"An act to incorporate the president, directors and company of the Ogdensburgh Bank."

"An act authorising the canal commissioners to lower the waters of Oneida lake, and for other purposes."

E. T. THROOP.

Albany, *April* 30, 1829.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Andrew P. Tillman;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Ordered, That the report of the committee of the whole be laid upon the table.

Mr. Paige, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of the heirs of John Wilkinson,' passed February 5th, 1829," reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act to amend an act entitled 'An act for the relief of the heirs of John Wilkinson,' passed February 5th, 1829," and that the same is correctly engrossed.

Ordered, That the said bill be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to extend the charter of the Rensselaer bridge company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Ordered, That the report of the committee of the whole be laid upon the table.

The house then resolved itself into a committee of the whole, on the bill entitled "An act in relation to the appraisal of damages on the canals, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act respecting the salaries of certain judicial officers;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported progress, and asked for and obtained leave to sit again.

And then the House adjourned until nine o'clock to-morrow morning.

SATURDAY, MAY 2, 1829.

The House met pursuant to adjournment.

Mr. Boynton, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act further to amend an act entitled 'An act to incorporate the village of Palmyra in the county of Wayne,' passed March 29th, 1827," reported, that they have examined the said bill, and prepared amendments thereto, with which they see no reason why it should not be passed into a law, and recommend that the bill be ordered to a third reading.

Thereupon,

By unanimous consent, the amendments were ordered to be engrossed, and the bill was ordered to a third reading.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of Andrew P. Tillman;" the said report being that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the negative.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake;" the said report being that the committee had gone through the said bill, and agreed to the same without amendment.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then proceeded to the consideration of the amendments of this house, non-concurred in by the Senate, to the bill entitled "An act to prevent hawking and peddling in the city of New-York."

Mr. Speaker put the question whether the house would agree to recede from their amendments to the said bill, and it was determined in the negative.

Thereupon,

Resolved, (if the Senate concur,) That a committee of conference be appointed, en the amendments to the said bill, which are the subject of disagreement between the two houses; and in case of such concurrence, that Mr. Arnold, Mr. Titus and Mr. Myers, be of the said committee on the part of this house.

The engrossed bill from the Senate, entitled "An act further to amend an act entitled 'An act to incorporate the village of Palmyra in the county of Wayne,' passed March 29th, 1827," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	01

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Ives	Mr. Sheppard
Mr Armstrong	Mr. Dyckman	Mr. Jenkins	Mr. Skinner
Mr. Arnold	Mr. Dygert	Mr. Johnson	Mr. Sloughter
Mr. Austin	Mr. Edgerton	Mr. Lindsley	Mr. A. Smith
Mr. Bailey	Mr. Efner	Mr. Mallory	Mr. H. D. Smith
Mr. C. Baker	Mr. Falley	Mr. Mandeville	Mr. L. Smith
Mr. E. Baker	Mr. Fitch	Mr. Mann	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. M'Crea	Mr. Stanton

Mr. Barnett	Mr. W. K. Fuller	Mr. J. M'Donald	Mr. Starr
Mr. Bogert	Mr. Gardner	Mr. W. M'Donald	Mr. Tailor
Mr. Bostwick	Mr. Goodman	Mr. M'Niel	Mr. Teller
Mr. Boynton	Mr. Gosman	Mr. Mixer	Mr. Titus
Mr. Bradish	Mr. Graham	Mr. Myers	Mr. Tower
Mr. Brinkerhoff	Mr. W. Hall	Mr. Noble	Mr. Van Wyck
Mr. Brown	Mr. Hascall	Mr. Norton	Mr. Waring
Mr. Burt	Mr. Hazeltine	Mr. Paige	Mr. White
Mr. Carrier	Mr. Hedges	Mr. Partridge	Mr. Willey
Mr. Chandler	Mr. Heermans	Mr. Phoenix	Mr. Williams
Mr. Curtiss	Mr. Hornbeek	Mr. Randall	Mr. Williamson
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Dayton	Mr. Hubbell	Mr. Sanford	Mr. Young
Mr. Dean	Mr. Hynds	Mr. Seeley	87

Those who voted in the negative are—

Mr. Carley 1

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The engrossed bill from the Senate, entitled "An act to revive and amend the act entitled 'An act to authorise the building of a toll-bridge over the Hudson river,' passed April 2d, 1825," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

{AYES 90
NAYS 03}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Hubbard	Mr. Redfield
Mr. Armstrong	Mr. Dean	Mr. Hubbell	Mr. Sanford
Mr. Arnold	Mr. Defreest	Mr. Hynds	Mr. Savage
Mr. Austin	Mr. Dyckman	Mr. Ives	Mr. Seeley
Mr. Bailey	Mr. Dygert	Mr. Jenkins	Mr. Skinner
Mr. C. Baker	Mr. Efner	Mr. Johnson	Mr. Sloughter
Mr. E. Baker	Mr. Falley	Mr. Judd	Mr. A. Smith
Mr. Baragar	Mr. Fitch	Mr. Lindsley	Mr. H. D. Smith
Mr. Barnet	Mr. Fleming	Mr. Mallory	Mr. L. Smith
Mr. Bogert	Mr. Fowler	Mr. Mandeville	Mr. Speaker
Mr. Bostwick	Mr. Franklin	Mr. Mann	Mr. Spier
Mr. Boynton	Mr. W. K. Fuller	Mr. M'Crea	Mr. Stanton
Mr. Bradish	Mr. Gardner	Mr. J. M'Donald	Mr. Starr
Mr. Brinkerhoff	Mr. Goodman	Mr. W. M'Donald	Mr. Tailor
Mr. Brown	Mr. Gosman	Mr. M'Niel	Mr. Titus
Mr. Burt	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Cargill	Mr. Graves	Mr. Myers	Mr. Van Wyck
Mr. Carley	Mr. J. Hall	Mr. Noble	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. White
Mr. Case	Mr. Hazeltine	Mr. Paige	Mr. Williams
Mr. Chandler	Mr. Hedges	Mr. Partridge	Mr. Williamson
Mr. Curtiss	Mr. Heermans	Mr. Randall	Mr. Wyckoff
Mr. Davenport	Mr. Hornbeek		90

Those who voted in the negative are—

Mr. Edgerton Mr. Hascall Mr. Sheppard 3

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill entitled "An act to amend an act entitled 'An act for the relief of the heirs of John Wilkinson,' passed February 5th, 1829," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 90
NAYS 00

Those who voted in the affirmative are—

Mr. Allison	Mr. Dyckman	Mr. Jenkins	Mr. Seeley
Mr. Armstrong	Mr. Dygert	Mr. Johnson	Mr. Sheppard
Mr. Arnold	Mr. Edgerton	Mr. Judd	Mr. Skinner
Mr. Austin	Mr. Efner	Mr. Keith	Mr. Sloughter
Mr. Bailey	Mr. Fillmore	Mr. Lindsley	Mr. A. Smith
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. L. Smith
Mr. Baragar	Mr. W. K. Fuller	Mr. Mann	Mr. Speaker
Mr. Barnet	Mr. Gardner	Mr. M'Crea	Mr. Spier
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Stanton
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Starr
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Titus
Mr. Burt	Mr. J. Hall	Mr. Myers	Mr. Van Wyck
Mr. Cargill	Mr. W. Hall	Mr. Noble	Mr. Waring
Mr. Carley	Mr. Hammond	Mr. Norton	Mr. Wheeler
Mr. Carrier	Mr. Hascall	Mr. Paige	Mr. White
Mr. Chandler	Mr. Hazeltine	Mr. Partridge	Mr. Willey
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. Williams
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Hubbard	Mr. Sanford	Mr. Wyckoff
Mr. Dean	Mr. Hubbell	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Ives		90

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the trustees of Union college to withdraw a part of the stock held by them in the Mohawk Bank," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 88
NAYS 02

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Defreest	Mr. Hynds	Mr. Savage	
Mr. Arnold	Mr. Dyckman	Mr. Ives	Mr. Seeley	
Mr. Austin	Mr. Dygert	Mr. Jenkins	Mr. Sheppard	
Mr. Bailey	Mr. Efner	Mr. Johnson	Mr. Skinner	
Mr. C. Baker	Mr. Falley	Mr. Judd	Mr. Sloughter	
Mr. E. Baker	Mr. Fitch	Mr. Lindsley	Mr. A. Smith	
Mr. Baragar	Mr. Fowler	Mr. Mallory	Mr. H. D. Smith	
Mr. Barnett	Mr. Franklin	Mr. Mandeville	Mr. L. Smith	
Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. Speaker	
Mr. Boynton	Mr. Gardner	Mr. M'Crea	Mr. Spier	
Mr. Bradish	Mr. Garnsey	Mr. J. M'Donald	Mr. Stanton	
Mr. Brinkerhoff	Mr. Goodman	Mr. W. M'Donald	Mr. Starr	
Mr. Brown	Mr. Graham	Mr. M'Niel	Mr. Tailor	
Mr. Burt	Mr. J. Hall	Mr. Mixer	Mr. Titus	
Mr. Cargill	Mr. W. Hall	Mr. Myers	Mr. Van Wyck	
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Waring	
Mr. Carrier	Mr. Hascall	Mr. Norton	Mr. White	
Mr. Chandler	Mr. Hazeltine	Mr. Paige	Mr. Willey	
Mr. Curtiss	Mr. Hedges	Mr. Partridge	Mr. Williams	
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Williamson	
Mr. Dayton	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff	
Mr. Dean	Mr. Hubbell	Mr. Sanford	Mr. Young	88

Those who voted in the negative are—

Mr. Allison	Mr. Gosman	2

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the devisees of Francis Atkinson," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative, there not being two-thirds of all the members elected to this house voting in favor thereof.

{AYES 56}
{NAYS 31}

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Lindsley	Mr. Seeley	
Mr. Arnold	Mr. Dean	Mr. Mandeville	Mr. Sheppard	
Mr. Austin	Mr. Dyckman	Mr. J. M'Donald	Mr. Skinner	
Mr. C. Baker	Mr. Fitch	Mr. W. M'Donald	Mr. A. Smith	
Mr. E. Baker	Mr. Fowler	Mr. M'Niel	Mr. H. D. Smith	
Mr. Baragar	Mr. Goodman	Mr. Myers	Mr. Stanton	
Mr. Bogert	Mr. Gosman	Mr. Noble	Mr. Starr	
Mr. Bostwick	Mr. J. Hall	Mr. Norton	Mr. Teller	
Mr. Boynton	Mr. W. Hall	Mr. Paige	Mr. Titus	
Mr. Bradish	Mr. Hammond	Mr. Partridge	Mr. Wheeler	
Mr. Brinkerhoff	Mr. Hazeltine	Mr. Phoenix	Mr. White	
Mr. Brown	Mr. Hornbeek	Mr. Randall	Mr. Williamson	
Mr. Chandler	Mr. Hubbell	Mr. Sanford	Mr. Wyckoff	
Mr. Curtiss	Mr. Johnson	Mr. Savage	Mr. Young	56

Those who voted in the negative are—

Mr. Bailey	Mr. Edgerton	Mr. Hascall	Mr. L. Smith
Mr. Barnett	Mr. Efner	Mr. Hedges	Mr. Speaker
Mr. Burt	Mr. Falley	Mr. Hynds	Mr. Spier
Mr. Cargill	Mr. Franklin	Mr. Ives	Mr. Tailor
Mr. Carley	Mr. W. K. Fuller	Mr. Judd	Mr. Van Wyck
Mr. Carrier	Mr. Gardner	Mr. Mallory	Mr. Willey
Mr. Davenport	Mr. Garnsey	Mr. M'Crea	Mr. Williams
Mr. Dygert	Mr. Graham	Mr. Sloughter	31

The engrossed bill from the Senate, entitled "An act to incorporate the American institute in the city of New-York," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	92
NAYS	04

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Hubbard	Mr. Sanford
Mr. Armstrong	Mr. Dyckman	Mr. Hubbell	Mr. Seeley
Mr. Arnold	Mr. Dygert	Mr. Hynds	Mr. Sheppard
Mr. Austin	Mr. Edgerton	Mr. Ives	Mr. Skinner
Mr. Bailey	Mr. Efner	Mr. Jenkins	Mr. Sloughter
Mr. C. Baker	Mr. Falley	Mr. Johnson	Mr. A. Smith
Mr. E. Baker	Mr. Fitch	Mr. Judd	Mr. H. D. Smith
Mr. Baragar	Mr. Fowler	Mr. Lindsley	Mr. L. Smith
Mr. Barnet	Mr. Franklin	Mr. Mallory	Mr. Speaker
Mr. Bogert	Mr. W. K. Fuller	Mr. Mandeville	Mr. Spier
Mr. Bostwick	Mr. Gardner	Mr. M'Crea	Mr. Tailor
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Teller
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Titus
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Van Wyck
Mr. Burt	Mr. J. Hall	Mr Myers	Mr. Waring
Mr. Carley	Mr. W. Hall	Mr. Noble	Mr. Wheeler
Mr. Carrier	Mr. Hammond	Mr. Norton	Mr. White
Mr. Case	Mr. Hascall	Mr. Paige	Mr. Willey
Mr. Chandler	Mr. Hazeltine	Mr. Partridge	Mr. Williams
Mr. Curtiss	Mr. Hedges	Mr. Phoenix	Mr. Williamson
Mr. Davenport	Mr. Heermans	Mr. Randall	Mr. Wyckoff
Mr. Dayton	Mr. Hornbeek	Mr. Redfield	Mr. Young 92

Those who voted in the negative are—

Mr. Cargill	Mr. Dean	Mr. Savage	Mr. Stanton 4

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act in relation to the appraisal of damages on the canals, and for other purposes;" the engrossed bill entitled "An act concerning commissioners of highways;" the engrossed bill entitled "An act authorising Edward Lyde and John McComb, surviving trustees under the will of Henry Springler, deceased, to sell certain real estate;" and the engrossed bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act in relation to the appraisal of damages on the canals, and for other purposes," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act concerning commissioners of highways," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising Edward Lyde and John McComb, surviving trustees under the will of Henry Springler, deceased, to sell certain real estate," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act regulating the gauge of beer and cider casks in the city of New-York," with the amendments therewith delivered; one of the said amendments being to alter the title to "An act regulating the gauge of beer casks in the city of New-York and village of Brooklyn."

The said bill and amendments were read; and the amendments having been again read, and concurred in,

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act respecting the salaries of certain judicial officers;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Mr. Savage made a motion that the house should agree to amend the said report, by adding to the first section, as subdivision 2, the words following, to wit: "To each of the justices of the supreme court, the sum of two thousand two hundred and fifty dollars."

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Savage, and it was determined in the affirmative.

AYES	36
NAYS	33

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Arnold	Mr. Dyckman	Mr. Johnson	Mr. Seeley
Mr. Bacon	Mr. Falley	Mr. Mann	Mr. Skinner
Mr. Bogert	Mr. Fitch	Mr. J. M'Donald	Mr. L. Smith
Mr. Bostwick	Mr. Fowler	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. Myers	Mr. Tower
Mr. Bradish	Mr. Gosman	Mr. Norton	Mr. White
Mr. Cargill	Mr. Hazeltine	Mr. Paige	Mr. Willey
Mr. Case	Mr. Hedges	Mr. Sanford	Mr. Williams
Mr. Dayton	Mr. Hubbell	Mr. Savage	Mr. Williamson 36

Those who voted in the negative are—

Mr. Bailey	Mr. Gardner	Mr. Hynds	Mr. A. Smith
Mr. C. Baker	Mr. Garnsey	Mr. Judd	Mr. H. D. Smith
Mr. Baragar	Mr. Graham	Mr. Lindsley	Mr. Speaker
Mr. Barnet	Mr. J. Hall	Mr. Partridge	Mr. Spier
Mr. Burt	Mr. Hammond	Mr. Randall	Mr. Teller
Mr. Carley	Mr. Hascall	Mr. Redfield	Mr. Titus
Mr. Curtiss	Mr. Heermans	Mr. Sheppard	Mr. Wyckoff
Mr. Dean	Mr. Hubbard	Mr. Sloughter	Mr. Young
Mr. Defreest			33

Thereupon,

Ordered, That the said report of the committee of the whole, as amended, be laid upon the table.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act respecting the salaries and compensation of certain public officers;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had disagreed to the first enacting clause thereof; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

And then the house adjourned until four o'clock this afternoon.

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4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the commissioners of common schools of the town of Covert in the county of Seneca, to alter the time of apportioning the public school money to the trustees of the several districts of said town."

"An act to incorporate the New-York sacred music society."

"An act to amend an act entitled 'An act concerning school districts number two and five in the town of Kinderhook.'"

"An act to incorporate the East-kill turnpike road company."

"An act further to extend the act passed April 11th. 1815, entitled 'An act for the more effectual prevention of fires in the city of New-York.'"

"An act for the relief of Jedediah Morse."

"An act relative to the establishment of poor-houses in the county of Allegany."

"An act to incorporate the Owasco and Erie canal company."

"An act to amend an act entitled 'An act to incorporate the Springville academy in the county of Erie.'"

E. T. THROOP.

Albany, *May* 1, 1829.

The house then proceeded to the consideration of the report of the committee of the whole on the bill entitled "An act to extend the charter of the Rensselaer bridge company;" the said report being, that the committee had gone through the said bill, and agreed to the same without amendment.

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of the 24th April, relative to the survey of a route for a canal or rail-road from the Otsego lake to Fort-Plain, and for the improvement of the navigation of the Susquehannah and Chemung rivers, with an amendment thereto, in the words following, to wit:

Resolved, (if the Assembly concur,) That the canal commissioners cause a survey and estimate to be made, 1st, of constructing a side-cut and aqueduct from the Erie canal, over the Mohawk river near the village of Amsterdam, with a commodious basin on the north side of said river, on the level of said canal: And, 2d, of constructing a dam on the said river, between the villages of Amsterdam and Cranesville, with a navigable feeder connecting it with the said canal at or immediately below Phillips' locks in the town of Florida in the county of Montgomery. Said commissioners shall report to the legislature as early as may be at its next session, such surveys and estimates, together with the relative advantages and disadvantages of such improvements to the canal revenue, and extent of accommodation to the country adjacent.

The said resolution and amendment were read,

Thereupon,

Ordered, That the further consideration of the same be indefinitely postponed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the benefit of the Orphan asylum society of the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act authorising the sale of certain lands in the Mine reservation in the county of Cayuga;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the sale of subdivision number one and number four of military lot number thirteen in the town of Granby in the county of Oswego;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and

delivered the same in at the table, where it was again read, and agreed to by the house.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Burt, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their said report, and it was determined in the affirmative.

{AYES 45
NAYS 26}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. C. Baker	Mr. Dyckman	Mr. Jenkins	Mr. Seeley
Mr. E. Baker	Mr. Edgerton	Mr. Johnson	Mr. Sheppard
Mr. Barnet	Mr. Fowler	Mr. Judd	Mr. Skinner
Mr. Bogert	Mr. W. K Fuller	Mr. Mann	Mr. Sloughter
Mr. Bostwick	Mr. Goodman	Mr. M'Crea	Mr. Spier
Mr. Brinkerhoff	Mr. Gosman	Mr. W. M'Donald	Mr. Tailor
Mr. Brown	Mr. Graham	Mr. M'Niel	Mr. Teller
Mr. Burt	Mr. Graves	Mr. Noble	Mr. Van Wyck
Mr. Cargill	Mr. Hubbard	Mr. Paige	Mr. White
Mr. Case	Mr. Hyuds	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Ives	Mr. Savage	Mr. Young
Mr. Dayton			45

Those who voted in the negative are—

Mr. Allison	Mr. Curtiss	Mr. Heermans	Mr. H. D. Smith
Mr. Armstrong	Mr. Dean	Mr. Hubbell	Mr. Speaker
Mr. Austin	Mr. Franklin	Mr. Keith	Mr. Titus
Mr. Boynton	Mr. Garnsey	Mr. Lindsley	Mr. Waring
Mr. Bradish	Mr. J. Hall	Mr. Mixer	Mr. Wheeler
Mr. Carley	Mr. Hascall	Mr. Norton	Mr. Willey
Mr. Carrier	Mr. Hazeltine		26

Thereupon,

The bill was ordered to a third reading.

Mr Hubbell gave notice that he would ask leave to introduce a bill relative to the salaries of the bank commissioners.

Thereupon,

By unanimous consent, and in pursuance of previous notice, Mr. Hubbell asked for and obtained leave to bring in a bill entitled "An act relative to the salary of the bank commissioners;" which was read the first time, and by unanimous consent was also read a second time, and by unanimous consent ordered to be engrossed for a third reading.

On motion of Mr. Burt,

Resolved, That the committee on the establishment and improvement of roads and bridges, and the incorporation of turnpike companies, be discharged from the further consideration of the report of John Richards and Nathan Shearman, commissioners appointed to lay out and open a road from Cedar Point, westward; and that the map and field notes accompanying the same, be deposited in the Surveyor-General's office.

Mr. Burt made a motion that the house should agree to reconsider its vote on agreeing with the report of the committee of the whole on the bill entitled "An act for the relief of Andrew P. Tillman."

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act concerning the debt due to the people of this state from the president, directors and company of the Bank of Niagara;" in which bill they request the concurrence of this house.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Paige, Mr. Dayton and Mr. Tower, to consider and report thereon.

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have rejected the bill entitled "An act to incorporate the president, directors and company of the Onondaga County Bank."

A message from the Senate, delivered by their clerk, with the bill and a copy of the resolution therein mentioned, was read, informing that they have concurred with this house in its resolution of this day, appointing a committee of conference on the amendments of this house to the bill entitled "An act to prevent hawking and peddling in the city of New-York," and have appointed Mr. S. Allen, Mr. Benton and Mr. Viele of the said committee on the part of the Senate.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read and concurred in,

Ordered, That the clerk return the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company," and the bill entitled "An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junius, Seneca Falls and Tyre, in the county of Seneca," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The Senate returned by their clerk, the bill entitled "An act to incorporate the president, directors and company of the Canal Bank of Albany;" the bill entitled "An act for the relief of the widow and children of James Usher;" the bill entitled "An act relative to the office of superintendent of the poor;" and the bill entitled "An act further to extend the time of payment of a loan made to Daniel Johnson."

Ordered, That the clerk deliver the said bills to the acting Governor.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of the 23d April, appointing a committee to examine the accounts and vouchers of the Treasurer of this state, and that Mr. S. Allen is of the said committee on the part of the Senate.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to incorporate the Clinton insurance company," with the amendments therewith delivered.

Ordered, That the said bill and amendments be laid upon the table.

Mr. Paige, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act concerning the debt due to the people of this state from the president, directors and company of the Bank of Niaga-

ra," reported, that the committee had examined the said bill, agreed thereto, and had directed their chairman to recommend that the same be ordered to a third reading.

Thereupon,

By unanimous consent of the house, the said bill was ordered to a third reading.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend so much of the first part of the revised statutes of this state as relates to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan," with the amendment therewith delivered; the said amendment being to alter the title to "An act relative to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan."

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill from the Senate, entitled "An act respecting the salaries of certain judicial officers."

The said report having been amended by the house, was read, in the words following, to wit:

§ 1. There shall be allowed to the officers hereinafter named, the following annual salaries, that is to say:

1. To the chancellor, the sum of two thousand five hundred dollars:

2. To each of the justices of the supreme court, the sum of two thousand two hundred and fifty dollars:

3. To each of the circuit judges, the sum of one thousand five hundred dollars:

4. To the register and assistant register of the court of chancery, each the sum of two thousand dollars, and the sum of one thousand dollars annually for clerk hire.

§ 2. Such salaries respectively shall commence from the first day of July next, and shall be paid by the treasurer, on the warrant of the comptroller, quarterly thereafter; which shall be instead of all salaries and compensation as now provided for by law, except the fees given to circuit judges by law.

§ 3. The register and assistant register of the court of chancery, shall, after the first day of July next, keep an accurate account of all sums of money by them received for fees, and exhibit a detailed statement thereof on oath, and of their necessary disbursements for stationary, quarterly, to the comptroller.

§ 4. The said register and assistant register shall, once in three months, pay over to the treasurer of this state, all sums by them received for fees in their respective offices.

§ 5. The treasurer shall pay, quarterly, on the warrant of the comptroller, such sums as shall have been expended by the register and assistant register for stationary.

§ 6. The fees and perquisites of the register and assistant register, allowed by law, after the first day of July next, shall belong to the people of this state.

Debates were had thereon; and the question being put whether the house would agree with the committee of the whole in their said report, and it was determined in the negative.

NAYS	35
AYES	31

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Gardner	Mr. Jenkins	Mr. Spier
Mr. C. Baker	Mr. Garnsey	Mr. Judd	Mr. Tailor
Mr. E. Baker	Mr. Goodman	Mr. M'Crea	Mr. Teller
Mr. Baragar	Mr. Graham	Mr. Randall	Mr. Titus
Mr. Barnett	Mr Graves	Mr. Redfield	Mr. Van Wyck
Mr. Brown	Mr. Hascall	Mr. Sheppard	Mr. Waring
Mr. Carley	Mr. Heermans	Mr. A. Smith	Mr. Wheeler
Mr. Chandler	Mr. Hubbard	Mr. H. D. Smith	Mr. Young
Mr. Dean	Mr. Hynds	Mr. Speaker	35

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Carrier	Mr. Hubbell	Mr. Paige
Mr. Austin	Mr. Case	Mr. Keith	Mr. Savage
Mr. Bogert	Mr. Dayton	Mr. Lindsley	Mr. Seeley
Mr. Bostwick	Mr. Dyckman	Mr. Mann	Mr. Skinner
Mr. Boynton	Mr. Edgerton	Mr. W. M'Donald	Mr. Sloughter
Mr. Bradish	Mr. W. K. Fuller	Mr. Myers	Mr. White
Mr. Brinkerhoff	Mr. Gosman	Mr. Noble	Mr. Williamson
Mr. Cargill	Mr. Hazeltine	Mr. Norton	31

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the sale of subdivisions number one and number four of military lot number thirteen in the town of Granby in the county of Oswego;" the engrossed bill entitled "An act for the benefit of the Orphan asylum society of the city of New-York," and the engrossed bill entitled "An act relative to the salary of the bank commissioners," and find the said bills severally correctly engrossed.

The said engrossed bill, entitled "An act authorising the sale of subdivisions number one and number four of military lot number thirteen in the town of Granby in the county of Oswego," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act for the benefit of the Orphan asylum society of the city of New-York," was read the third time.

Resolved, That the bill do pass.

The said engrossed bill, entitled "An act relative to the salary of the bank commissioners," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Gosman, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the sale of certain lands in the Mine reservation in the county of Cayuga," and find the same correctly engrossed.

Ordered, That the said bill be laid upon the table.

And then the House adjourned until nine o'clock on Monday morning next.

MONDAY, MAY 4, 1829.

The House met pursuant to adjournment.

The house then proceeded to the consideration of the motion of Mr. Burt, to reconsider its vote disagreeing with the report of the committee of the whole on bill for the relief of Andrew P. Tillman.

Mr. Speaker put the question whether the house would agree to reconsider the said vote, and it was determined in the affirmative.

{AYES 58}
{NAYS 22}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Phoenix
Mr. Arnold	Mr. Fillmore	Mr. Ives	Mr. Redfield
Mr. Austin	Mr Fleming	Mr. Jenkins	Mr. Skinner
Mr. Bailey	Mr. Fowler	Mr. Johnson	Mr. Speaker
Mr. C. Baker	Mr. Franklin	Mr. Judd	Mr. Stanton
Mr. Baragar	Mr. Gardner	Mr. Lindsley	Mr. Starr
Mr. Bogert	Mr. Garnsey	Mr. C. L. Livingston	Mr. Tailor
Mr. Boynton	Mr. Goodman	Mr. Mandeville	Mr. Teller
Mr. Bradish	Mr. Gosman	Mr. M'Crea	Mr. Tower
Mr. Brown	Mr. W. Hall	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Burt	Mr. Hazeltine	Mr. M'Niel	Mr. Waring
Mr. Carley	Mr. Hedges	Mr. Morell	Mr. Wheeler
Mr. Chandler	Mr. Heermans	Mr. Paige	Mr. White
Mr. Curtiss	Mr. Hubbard	Mr. Partridge	Mr. Willey
Mr. Dean	Mr. Hubbell		

58

Those who voted in the negative are—

Mr. Allison	Mr. Fitch	Mr. Savage	Mr. Spier
Mr. Brinkerhoff	Mr. Graves	Mr. Seeley	Mr. Taber
Mr. Cargill	Mr. Hammond	Mr. Sheppard	Mr. Williamson
Mr. Carrier	Mr. Hascall	Mr. Sloughter	Mr. Wyckoff
Mr. Davenport	Mr. W. M'Donald	Mr. A. Smith	Mr. Young
Mr. Edgerton	Mr. Mixer		

22

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

Mr. Fillmore asked for, and by the unanimous consent of the house obtained leave to bring in a bill entitled "An act authorising the holding of a court of general sessions of the peace in and for the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee, consisting of Mr. Fillmore, Mr. Burt and Mr. Hubbell, to consider and report thereon.

Mr. Judd made a motion that the house should agree to reconsider its vote of Saturday last, postponing the further consideration of the resolution relative to the survey of a route for a canal or rail-road from the Otsego lake to Fort-Plain, and the amendments of the Senate thereto.

Mr. Speaker put the question whether the house would agree to reconsider the said vote, and it was determined in the affirmative.

Thereupon,

Resolved, That this house do non-concur with the Senate in their amendments to the said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution to the Senate.

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to incorporate the Clinton insurance company in the city of Albany."

The said bill and amendments were read; and the amendments having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	87
NAYS	00

Those who voted in the affirmative are—

Mr. Allison	Mr. Defreest	Mr. Hubbell	Mr. Skinner
Mr. Armstrong	Mr. Dyckman	Mr. Hynds	Mr. Sloughter
Mr. Arnold	Mr. Edgerton	Mr. Ives	Mr. A. Smith
Mr. Bacon	Mr. Fillmore	Mr. Jenkins	Mr. H. D. Smith
Mr. Bailey	Mr. Fitch	Mr. Johnson	Mr. Speaker
Mr. C. Baker	Mr. Fleming	Mr. Judd	Mr. Spier
Mr. Baragar	Mr. Fowler	Mr. Lindsley	Mr. Stanton
Mr. Barnett	Mr. P. C. Fuller	Mr. C. L. Livingston	Mr. Starr
Mr. Bogert	Mr. W. K. Fuller	Mr. Mandeville	Mr. Taber
Mr. Boynton	Mr. Gardner	Mr. M'Crea	Mr. Tailor
Mr. Bradish	Mr. Garnsey	Mr. J. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Goodman	Mr. W. M'Donald	Mr. Titus
Mr. Brown	Mr. Gosman	Mr. M'Niel	Mr. Tower
Mr. Burt	Mr. Graham	Mr. Noble	Mr. P. Van Beuren
Mr. Cargill	Mr. J. Hall	Mr. Paige	Mr. Van Wyck
Mr. Carley	Mr. W. Hall	Mr. Partridge	Mr. Waring
Mr. Carrier	Mr. Hammond	Mr. Phoenix	Mr. Wheeler
Mr. Chandler	Mr. Hascall	Mr. Randall	Mr. White
Mr. Curtiss	Mr. Hazeltine	Mr. Redfield	Mr. Williamson
Mr. Davenport	Mr. Hedges	Mr. Savage	Mr. Wyckoff
Mr. Dayton	Mr Heermans	Mr. Seeley	Mr. Young
Mr. Dean	Mr. Hubbard	Mr. Sheppard	87

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the relief of Andrew P. Tillman," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act for the relief of Andrew P. Tillman," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the negative.

NAYS	53
AYES	37

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Davenport	Mr. Hammond	Mr. Seeley
Mr. Arnold	Mr. Dean	Mr. Hascall	Mr. Sheppard
Mr. Austin	Mr. Defreest	Mr. Heermans	Mr. Sloughter
Mr. Bailey	Mr. Edgerton	Mr. Hubbard	Mr. A. Smith
Mr. Baragar	Mr. Fitch	Mr. Hynds	Mr. Spier
Mr. Barnet	Mr. Fowler	Mr. Ives	Mr. Taber
Mr. Bogert	Mr. W. K. Fuller	Mr. Jenkins	Mr. Tailor
Mr. Brinkerhoff	Mr. Gardner	Mr. M'Crea	Mr. Titus
Mr. Brown	Mr. Garnsey	Mr. W. M'Donald	Mr. Van Wyck
Mr. Burt	Mr. Graham	Mr. Noble	Mr. Waring
Mr. Cargill	Mr. Graves	Mr. Norton	Mr. Williamson
Mr. Carley	Mr. J. Hall	Mr. Partridge	Mr. Wyckoff
Mr. Carrier	Mr. W. Hall	Mr. Savage	Mr. Young
Mr. Case			53

Those who voted in the affirmative are—

Mr. Armstrong	Mr. P. C. Fuller	Mr. Mallory	Mr. Skinner
Mr. Bostwick	Mr. Goodman	Mr. Mandeville	Mr. H. D. Smith
Mr. Boynton	Mr. Gosman	Mr. J. M'Donald	Mr. Speaker
Mr. Bradish	Mr. Hazeltine	Mr. M'Niel	Mr. Stanton
Mr. Chandler	Mr. Hedges	Mr. Morell	Mr. Starr
Mr. Curtiss	Mr. Hubbell	Mr Myers	Mr. Tower
Mr. Dayton	Mr. Johnson	Mr. Paige	Mr. P. Van Beuren
Mr. Dyckman	Mr. Judd	Mr. Phoenix	Mr. Wheeler
Mr. Fillmore	Mr. Lindsley	Mr. Randall	Mr. White
Mr. Fleming			37

On motion of Mr. Jenkins,

Resolved, That this house do reconsider its vote on agreeing with the report of the committee of the whole on the bill entitled "An act respecting the salaries of certain judicial officers."

Ordered, That the report of the committee of the whole be laid upon the table.

On motion of Mr. Hubbell,

Resolved, That the acting Governor of this state be requested to inform the Governors of the several states in the Union, that the lotteries now authorised by the laws of this state, will be closed in the year 1835; and that the constitution of this state prohibits the granting of any additional lotteries: And that the several states are respectfully requested to co-operate in bringing to a close the system of lotteries, which, in the opinion of this legislature, is attended with great evils to the public, as well as to individuals.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act to divide the town of Ellington in the county of Chautauque," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the amended bill therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act further to amend an act entitled 'An act to incorporate the village of Palmyra in the county of Wayne,' passed March 29th, 1827," and have amended the said bill accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

On motion of Mr. Skinner,

Resolved, (if the Senate concur,) That the 10th joint rule of the Senate and Assembly be, and the same is hereby rescinded.

The engrossed bill from the Senate, entitled "An act concerning the election of justices of the peace," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

{AYES 58}
{NAYS 35}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Arnold	Mr. Dyckman	Mr. Johnson	Mr. Seeley
Mr. Bacon	Mr. Edgerton	Mr. Judd	Mr. Sheppard
Mr. C. Baker	Mr. Fitch	Mr. Mallory	Mr. Skinner
Mr. E. Baker	Mr. Fowler	Mr. Mandeville	Mr. Sloughter
Mr. Baragar	Mr. P. C. Fuller	Mr. M'Crea	Mr. A. Smith
Mr. Barnet	Mr. W. K. Fuller	Mr. M'Niel	Mr. Spier
Mr. Bogert	Mr. Goodman	Mr. Morell	Mr. Stanton
Mr. Bostwick	Mr. Gosman	Mr. Myers	Mr. Starr
Mr. Brinkerhoff	Mr. Graham	Mr. Noble	Mr. Teller
Mr. Brown	Mr. W. Hall	Mr. Paige	Mr. Tower
Mr. Burt	Mr. Hammond	Mr. Phoenix	Mr. P. Van Beuren
Mr. Cargill	Mr. Hubbard	Mr. Randall	Mr. White
Mr. Davenport	Mr. Hynds	Mr. Redfield	Mr. Williamson
Mr. Dayton	Mr. Ives	Mr. Savage	Mr. Young
Mr. Defreest	Mr. Jenkins		58

Those who voted in the negative are—

Mr. Allison	Mr. Chandler	Mr. Hascall	Mr. Partridge
Mr. Armstrong	Mr. Curtiss	Mr. Hazeltine	Mr. H. D. Smith
Mr. Austin	Mr. Dean	Mr. Heermans	Mr. Speaker
Mr. Bailey	Mr. Fillmore	Mr. Hubbell	Mr. Taber
Mr. Boynton	Mr. Fleming	Mr. Keith	Mr. Titus
Mr. Bradish	Mr. Franklin	Mr. C. L. Livingston	Mr. Waring
Mr. Carley	Mr. Gardner	Mr. J. M'Donald	Mr. Willey
Mr. Carrier	Mr. Garnsey	Mr. W. M'Donald	Mr. Wyckoff
Mr. Case	Mr. J. Hall	Mr. Norton	35

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act concerning the debt due to the people of this state from the president, directors and company of the Bank of Niagara," was read the third time.

Resolved, That the bill do pass.

Ordered. That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill, entitled "An act authorising the sale of certain lands in the Mine reservation in the county of Cayuga," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act to amend the charter of the Sun fire insurance company," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read,

Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES 92
NAYS 01

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Hynds	Mr. Redfield
Mr. Armstrong	Mr. Dean	Mr. Ives	Mr. Savage
Mr. Arnold	Mr. Defreest	Mr Jenkins	Mr. Seeley
Mr. Austin	Mr. Dyckman	Mr. Johnson	Mr. Sheppard
Mr. Bacon	Mr. Fillmore	Mr. Judd	Mr. Skinner
Mr. Bailey	Mr. Fitch	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Barnett	Mr. P. C. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Gardner	Mr. M'Crea	Mr. Taber
Mr. Boynton	Mr. Garnsey	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Goodman	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. Gosman	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. Graham	Mr. Mixer	Mr. Tower
Mr. Burt	Mr. J. Hall	Mr. Morell	Mr. P. Van Beuren
Mr. Cargill	Mr. W. Hall	Mr. Myers	Mr. Van Wyck
Mr. Carley	Mr. Hammond	Mr. Noble	Mr. Wheeler
Mr. Carrier	Mr. Hedges	Mr. Paige	Mr. White
Mr. Case	Mr. Heermans	Mr. Partridge	Mr. Willey
Mr. Chandler	Mr. Hubbard	Mr. Phoenix	Mr. Williamson
Mr. Curtiss	Mr. Hubbell	Mr. Randall	Mr. Young 92

Those who voted in the negative are—

Mr. Davenport 1

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The house then proceeded to the consideration of the report of the committee of the whole, on the bill from the Senate, entitled "An act respecting the salaries of certain judicial officers;" the same being amended by the house, one of the said amendments being to insert after the word "judicial" in the title, the words "and other."

Mr. Speaker put the question whether the house would agree to the said report as amended, and it was determined in the affirmative.

AYES 50
NAYS 39

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Allison	Mr. Davenport	Mr. Ives	Mr. Paige
Mr. Armstrong	Mr. Dayton	Mr. Johnson	Mr. Savage
Mr. Arnold	Mr. Dyckman	Mr. Judd	Mr. Seeley
Mr. Austin	Mr. Fitch	Mr. Keith	Mr. Skinner
Mr. E. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bogert	Mr. W. K. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Bostwick	Mr. Gosman	Mr. Mann	Mr. Starr
Mr. Boynton	Mr. W. Hall	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Hammond	Mr. W. M'Donald	Mr. Tower
Mr. Brinkerhoff	Mr. Hazeltine	Mr. Morell	Mr. White
Mr. Brown	Mr. Hedges	Mr. Myers	Mr. Willey
Mr. Burt	Mr. Hubbard	Mr. Norton	Mr. Williamson
Mr. Case	Mr. Hubbell		50

Those who voted in the negative are—

Mr. Bailey	Mr Fleming	Mr. Lindsley	Mr. Spier
Mr. C. Baker	Mr. Franklin	Mr. M'Crea	Mr. Taber
Mr. Barnet	Mr. P. C. Fuller	Mr. Mixer	Mr. Teller
Mr. Cargill	Mr. Gardner	Mr. Partridge	Mr. Titus
Mr. Carley	Mr. Garnsey	Mr. Randall	Mr. P. Van Beuren
Mr. Chandler	Mr. Goodman	Mr. Redfield	Mr. Van Wyck
Mr. Curtiss	Mr. Graham	Mr. Sheppard	Mr. Waring
Mr. Dean	Mr. Hascall	Mr. A. Smith	Mr. Wheeler
Mr. Defreest	Mr. Heermans	Mr. H. D. Smith	Mr. Young
Mr. Fillmore	Mr. Hynds	Mr. Speaker	39

Thereupon,

The amendments were ordered to be engrossed, and the bill ordered a third reading.

The house then proceeded to the consideration of the amendment of the Senate to the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823."

The said bill and amendment were read; and the amendment having been again read, Mr. Speaker put the question whether the house would agree to concur with the Senate in their amendment to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to this house voting in favor thereof, as follows, to wit:

AYES	88
NAYS	10

Those who voted in the affirmative are—

Mr. Allison	Mr. Dayton	Mr. Ives	Mr. Redfield
Mr. Armstrong	Mr. Dean	Mr. Jenkins	Mr. Savage
Mr. Arnold	Mr. Defreest	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Dyckman	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Keith	Mr. Sloughter
Mr. C. Baker	Mr. Fleming	Mr. Lindsley	Mr. H. D. Smith
Mr. E. Baker	Mr. Fowler	Mr. C. L. Livingston	Mr. Speaker
Mr. Baragar	Mr. Franklin	Mr. Mallory	Mr. Spier
Mr. Barnett	Mr. W. K. Fuller	Mr. Mandeville	Mr. Stanton
Mr. Bogert	Mr. Gardner	Mr. Mann	Mr. Starr
Mr. Bostwick	Mr. Garnsey	Mr. M'Crea	Mr. Taber
Mr. Boynton	Mr. Goodman	Mr. J. M'Donald	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. W. M'Donald	Mr. Teller
Mr. Brinkerhoff	Mr. J. Hall	Mr. M'Niel	Mr. Titus
Mr. Brown	Mr. W. Hall	Mr. Morell	Mr. Tower

Mr. Burt	Mr. Hammond	Mr. Myers	Mr. P. Van Beuren
Mr. Cargill	Mr. Hazeltine	Mr. Noble	Mr. Van Wyck
Mr. Carley	Mr. Hedges	Mr. Norton	Mr. Waring
Mr. Carrier	Mr [illegible]ermans	Mr. Paige	Mr. Wheeler
Mr. Case	Mr. Hubbard	Mr. Partridge	Mr. White
Mr. Chandler	Mr. Hubbell	Mr. Phoenix	Mr. Williamson
Mr. Curtiss	Mr. Hynds	Mr. Randall	Mr. Young 88

Those who voted in the negative are—

Mr. Bailey	Mr. P. C. Fuller	Mr. Mixer	Mr. A. Smith
Mr. Davenport	Mr. Graham	Mr. Sheppard	Mr. Willey
Mr. Fitch	Mr. Hascall		10

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

The engrossed bill from the Senate, entitled "An act respecting the salaries of certain judicial officers," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

The Senate returned by their clerk, the bill entitled "An act regulating the gauge of beer casks in the city of New-York and village of Brooklyn;" the bill entitled "An act relative to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan;" the bill entitled "An act to incorporate the Clinton insurance company in the city of Albany;" the bill entitled "An act authorising the canal commissioners to reduce the waters of the Seneca lake;" and the bill entitled "An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany."

Ordered, That the clerk deliver the said bills to the acting Governor.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act to incorporate the Chautauque steam-boat company," and the bill entitled "An act to amend an act entitled 'An act declaring a part of the Cayuta creek a public highway,' passed February 20th, 1827," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

Mr. Burt offered for the consideration of the house, a resolution, in the words following, to wit:

Resolved, That this house do reconsider its vote of Saturday last, on the final passage of the bill entitled "An act for the relief of Francis Atkinson."

Ordered, That the said resolution be laid upon the table.

A copy of a resolution of the Senate, delivered by their clerk, was read, in the words following, to wit:

Resolved, (if the Assembly concur,) That all proceedings relative to the sale of lands in the tract commonly called Coxe's patent, supposed to be forfeited by the attainder of John Taber Kempe, be suspended until after the next session of the legislature.

Thereupon,

Resolved, That this house do concur with the Senate in their said resolution.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the Senate.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that the Senate have receded from their amendment to the resolution relative to the survey of a route for a canal or rail-road from the Otsego lake to Fort-Plain, and for the improvement of the navigation of the Susquehannah and Chemung rivers, and have concurred in the said resolution.

The house then proceeded to the consideration of the report of the committee of the whole on the engrossed bill from the Senate, entitled "An act respecting the salaries and compensation of certain public officers;" the said report being that the committee had disagreed to the said bill.

Thereupon,

The report of the committee of the whole being amended,

Mr. Skinner made a motion that the house should agree further to amend the said report, by inserting a clause in the words following, to wit:

"There shall annually be paid to the superintendent of common schools, the sum of two hundred and fifty dollars in addition to his compensation as secretary of state and superintendent."

Debates were had upon the said motion; and the question being put whether the house would agree thereto, it was determined in the affirmative.

AYES	42
NAYS	41

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Arnold	Mr. Case	Mr. Lindsley	Mr. Savage
Mr. Austin	Mr. Dayton	Mr. C. L. Livingston	Mr. Seeley
Mr. C. Baker	Mr. Dean	Mr. Mann	Mr. Skinner
Mr. Baragar	Mr. Dyckman	Mr. W. M'Donald	Mr. Sloughter
Mr. Bogert	Mr. Fitch	Mr. M'Niel	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. Myers	Mr. Taber
Mr. Boynton	Mr. W. K. Fuller	Mr. Noble	Mr. Tailor
Mr. Bradish	Mr. Gosman	Mr. Norton	Mr. Tower
Mr. Brinkerhoff	Mr. W. Hall	Mr. Paige	Mr. White
Mr. Burt	Mr. Ives	Mr. Phoenix	Mr. Williamson
Mr. Cargill	Mr. Keith		42

Those who voted in the negative are—

Mr. Bailey	Mr. Gardner	Mr. Hynds	Mr. A. Smith
Mr. E. Baker	Mr. Garnsey	Mr. Johnson	Mr. H. D. Smith
Mr. Barnett	Mr. Goodman	Mr. Judd	Mr. Speaker
Mr. Carley	Mr. J. Hall	Mr. Mallory	Mr. Spier
Mr. Chandler	Mr. Hascall	Mr. Mandeville	Mr. Titus
Mr. Curtiss	Mr. Hazeltine	Mr. M'Crea	Mr. P. Van Beuren
Mr. Davenport	Mr. Heermans	Mr. J. M'Donald	Mr. Van Wyck
Mr. Defreest	Mr. Hornbeek	Mr. Mixer	Mr. Waring
Mr. Fillmore	Mr. Hubbard	Mr. Randall	Mr. Wheeler
Mr. Fleming	Mr. Hubbell	Mr. Sheppard	Mr. Young
Mr. P. C. Fuller			41

Thereupon,

Mr. Speaker put the question whether the house would agree with the committee of the whole in their report, and it was determined in the affirmative.

AYES	45
NAYS	42

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Case	Mr. Hazeltine	Mr. Phoenix
Mr. Arnold	Mr. Dayton	Mr. Hubbell	Mr. Savage
Mr. Austin	Mr. Dean	Mr. Jenkins	Mr. Seeley
Mr. Baragar	Mr. Dyckman	Mr. Keith	Mr. Skinner
Mr. Bogert	Mr. Fitch	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bostwick	Mr. Fowler	Mr. Mann	Mr. Stanton
Mr. Boynton	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Taber
Mr. Bradish	Mr. Goodman	Mr Myers	Mr. Tailor
Mr. Brinkerhoff	Mr. Gosman	Mr. Noble	Mr. Tower
Mr. Brown	Mr. W. Hall	Mr. Norton	Mr. White
Mr. Burt	Mr. Hammond	Mr. Paige	Mr. Williamson
Mr. Cargill			45

Those who voted in the negative are—

Mr. Bacon	Mr. P. C. Fuller	Mr. Johnson	Mr. H. D. Smith
Mr. Bailey	Mr. Gardner	Mr. Judd	Mr. Speaker
Mr. E. Baker	Mr. Garnsey	Mr. Mallory	Mr. Spier
Mr. Barnet	Mr. Graham	Mr. Mandeville	Mr. Teller
Mr. Carley	Mr. J. Hall	Mr. M'Crea	Mr. Titus
Mr. Chandler	Mr. Hascall	Mr. J. M'Donald	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hedges	Mr. Randall	Mr. Van Wyck
Mr. Davenport	Mr. Heermans	Mr. Redfield	Mr. Waring
Mr. Defreest	Mr. Hornbeek	Mr. Sheppard	Mr. Wheeler
Mr. Fillmore	Mr. Hubbard	Mr. A. Smith	Mr. Young
Mr. Fleming	Mr. Hynds		42

Thereupon,

The amendments were ordered to be engrossed, and the bill ordered to a third reading.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed amendments to the engrossed bill from the Senate, entitled "An act respecting the salaries and compensation of certain public officers," and that the same are correctly engrossed.

The said engrossed bill, entitled "An act respecting the salaries and compensation of certain public officers," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

AYES	40
NAYS	38

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Jenkins	Mr. Savage
Mr. Arnold	Mr. Dean	Mr. Keith	Mr. Seeley
Mr. Baragar	Mr. Dyckman	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bogert	Mr. Fitch	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Fowler	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. W. K. Fuller	Mr. Morell	Mr. Taber
Mr. Bradish	Mr. Gosman	Mr. Myers	Mr. Tailor
Mr. Brown	Mr. W. Hall	Mr. Noble	Mr. Tower
Mr. Burt	Mr. Hammond	Mr. Norton	Mr. White
Mr. Cargill	Mr. Hazeltine	Mr. Paige	Mr. Williamson 40

Those who voted in the negative are—

Mr. Bacon	Mr. J. Hall	Mr. Mallory	Mr. Speaker
Mr. Bailey	Mr. Hascall	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Hedges	Mr. M'Crea	Mr. Teller
Mr. Carley	Mr. Heermans	Mr. J. M'Donald	Mr. Titus
Mr. Chandler	Mr Hornbeek	Mr. Randall	Mr. P. Van Beuren
Mr. Curtiss	Mr. Hubbard	Mr. Redfield	Mr. Van Wyck
Mr. Defreest	Mr. Hubbell	Mr. Sheppard	Mr. Waring
Mr. Fillmore	Mr. Hynds	Mr. A. Smith	Mr. Wheeler
Mr. Fleming	Mr. Johnson	Mr. H. D. Smith	Mr. Young
Mr. Garnsey	Mr. Judd		38

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same with the amendments therewith delivered.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act authorising the holding of a court of general sessions of the peace in and for the county of Erie," and find the same correctly engrossed.

The said engrossed bill, entitled "An act authorising the holding of a court of general sessions of the peace in and for the county of Erie," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The Senate returned, by their clerk, the bill entitled "An act to amend an act entitled 'An act to incorporate the Sandlake and Nassau turnpike company,' passed April 23d, 1823."

Ordered, That the clerk deliver the said bill to the acting Governor.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act relative to the Capitol;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported, that the committee had gone through the said bill, made amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the amendments ordered to be engrossed, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act further to provide for the improvement of the navigation of Hudson river;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered to a third reading.

The house then resolved itself into a committee of the whole, on the bill entitled "An act for the payment of certain officers and expenses of government;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported progress, and asked for and obtained leave to sit again.

Ordered, That James Lynch have leave to withdraw his petition, together with the documents accompanying the same.

A message from the Senate, delivered by their clerk, with the bill, amendments and copies of the resolutions therein mentioned, was read, informing that they have concurred with this house in certain of its amendments to the bill entitled "An act respecting the salaries of certain judicial officers," and have non-concurred in others of the said amendments, as the same are particularly designated in the margin of the said amendments.

The said bill and amendments were read,

Ordered, That the same be laid upon the table.

And then the house adjourned until four o'clock this afternoon.

4 *O'CLOCK P. M.*

The House met pursuant to adjournment.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have passed the bill entitled "An act authorising Edward Lyde and John McComb, surviving trustees under the will of Henry Springler, deceased, to sell certain real estate," with the amendment therewith delivered.

The said bill and amendment were read; and the amendment having been again read, was concurred in by the house, and the bill amended accordingly.

Ordered, That the clerk deliver the said bill and amendment to the Senate, and inform them that this house have concurred with them in their amendment to the said bill, and have amended the same accordingly.

A message from the Senate, delivered by their clerk, with the amended bill therein mentioned, was read, informing that they have concurred with this house in its amendment to the bill entitled "An act respecting the salaries and compensation of certain public officers," and have amended the same accordingly.

The amended bill having been examined,

Ordered, That the clerk return the same to the Senate.

Two several messages from the Senate, delivered by their clerk, with the bills therein mentioned, were read, informing that they have passed the bill entitled "An act in relation to the appraisal of damages on the canals, and for other purposes," and the bill entitled "An act for the relief of Seth Wetmore," severally without amendment.

Ordered, That the clerk deliver the said bills to the acting Governor.

The Senate returned, by their clerk, the bill entitled "An act to amend the charter of the Sun fire insurance company."

Ordered, That the clerk deliver the said bill to the acting Governor.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act to enable certain aliens therein mentioned, to take, hold and convey real estate, and for other purposes," with the amendments therewith delivered; one of the said amendments being to alter the title to "An act to enable James Perry and Thomas Perry to take, hold and convey real estate."

Ordered, That the said bill and amendments be laid upon the table.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act further to extend the time of payment of a loan made to Daniel Johnson."

"An act for the relief of the widow and children of James Usher."

"An act to incorporate the president, directors and company of the Canal Bank of Albany."

"An act relative to the office of superintendent of the poor."

"An act to incorporate the village of Fredonia."

"An act to confirm the election and designation of the justices of the peace in the towns of Waterloo, Junius, Seneca Falls and Tyre, in the county of Seneca."

"An act to loan the credit of the state to the president, managers and company of the Delaware and Hudson canal company."

E. T. THROOP.

Albany, *May* 2, 1829.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act to divide the town of Ellington in the county of Chautauque."

"An act to amend an act entitled 'An act declaring a part of the Cayuta creek a public highway,' passed February 20th, 1827."

"An act to incorporate the Chautauque steam-boat company."

"An act regulating the gauge of beer casks in the city of New-York and village of Brooklyn."

"An act to erect a new town from parts of the towns of Allen and Almond in the county of Allegany."

"An act authorising the canal commissioners to reduce the waters of the Seneca lake."

"An act relative to the division line between the towns of Fallsburgh and Neversink in the county of Sullivan."

"An act to incorporate the Clinton insurance company in the city of Albany."

E. T. THROOP.

Albany, May 4, 1829.

A message from the Senate, delivered by their clerk, with the bill, amendments, and copies of the resolutions therein mentioned, was read, informing that they have concurred in the three first of the amendments of this house to the bill entitled "An act respecting the salaries of certain judicial officers," and non-concurred in the remainder of the said amendments.

Thereupon,

Mr. Speaker put the question whether the house would agree to recede from the amendments non-concurred in by the Senate, and it was determined in the negative.

{NAYS 57
AYES 27}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Allison	Mr. Dyckman	Mr. Hynds	Mr. A. Smith
Mr. Austin	Mr. Edgerton	Mr. Jenkins	Mr. H. D. Smith
Mr. Bacon	Mr. Fillmore	Mr. Johnson	Mr. Speaker
Mr. Bailey	Mr. Gardner	Mr. Judd	Mr. Spier
Mr. C. Baker	Mr. Garnsey	Mr. Lindsley	Mr. Starr
Mr. Barnet	Mr. Goodman	Mr. Mallory	Mr. Tailor
Mr. Brown	Mr. Graves	Mr. Mandeville	Mr. Teller
Mr. Burt	Mr. J. Hall	Mr. Mixer	Mr. Titus
Mr. Cargill	Mr. W. Hall	Mr. Norton	Mr. Tower
Mr. Carley	Mr. Hascall	Mr. Partridge	Mr. P. Van Beuren
Mr. Chandler	Mr. Hazeltine	Mr. Randall	Mr. Van Wyck
Mr. Curtiss	Mr. Hedges	Mr. Redfield	Mr. Wheeler
Mr. Davenport	Mr. Hubbard	Mr. Sheppard	Mr. Willey
Mr. Dean	Mr. Hubbell	Mr. Sloughter	Mr. Young
Mr. Defreest			57

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dayton	Mr. Mann	Mr. Savage
Mr. Arnold	Mr. W. K. Fuller	Mr. W. M'Donald	Mr. Seeley
Mr. Bogert	Mr. Gosman	Mr. M'Niel	Mr. Skinner
Mr. Bostwick	Mr. Graham	Mr. Morell	Mr. Stanton
Mr. Bradish	Mr. Holdridge	Mr. Myers	Mr. Taber
Mr. Brinkerhoff	Mr. Ives	Mr. Noble	Mr. Williamson
Mr. Carrier	Mr. C. L. Livingston	Mr. Paige	27

Thereupon,

Resolved, That this house do adhere to its amendments to the said bill, non-concurred in by the Senate, and that a committee of conference be appointed on the amendments to the said bill which are the subject of disagreement between the two houses; and in case of such concurrence, that Mr. Johnson, Mr. Mann and Mr. C. L. Livingston, be of the said committee on the part of this house.

The house then again resolved itself into a committee of the whole, on the bill entitled "An act for the payment of certain officers and expenses of government;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read.

The report of the committee of the whole being amended by the house,

Mr. Speaker put the question whether the house would agree with the committee in their said report, and it was determined in the affirmative.

Ordered, That the bill be engrossed.

The house then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to preserve the purity of elections;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dayton, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house, and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the house, and the bill ordered a third reading.

The engrossed bill from the Senate, entitled "An act further to provide for the improvement of the navigation of Hudson river," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act relative to the Capitol," with the engrossed amendments, was read the third time.

Resolved, That the bill and amendments do pass.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have passed the same, with the amendments therewith delivered.

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act appointing commissioners to lay out a road from Sheldon in the county of Genesee, to intersect a road running from the Pennsylvania line to Buffalo in the county of Cattaraugus," with the amendments therewith delivered; one of the said amendments being to alter the title to "An act appointing commissioners to lay out a road from Sheldon to China, in the county of Genesee."

The said bill and amendments were read; and the amendments having been again read and concurred in,

Ordered, That the clerk return the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

Mr. W. Hall, from the committee on engrossed bills, reported, that they have examined the engrossed bill entitled "An act for the payment of certain officers and expenses of government," and that the same is correctly engrossed.

The said engrossed bill, entitled "An act for the payment of certain officers and expenses of government," was read the third time.

Resolved, That the bill do pass.

Ordered, That the clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to preserve the purity of elections," was read the third time.

Mr. Speaker put the question whether the house would agree to the final passage of the said bill, and it was determined in the affirmative.

{AYES 54}
{NAYS 20}

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Armstrong	Mr. Dyckman	Mr. Johnson	Mr. Sheppard
Mr. Austin	Mr. Edgerton	Mr. Judd	Mr. Skinner
Mr. Bacon	Mr. Fillmore	Mr. Lindsley	Mr. Sloughter
Mr. Bailey	Mr. Gardner	Mr. Mandeville	Mr. A. Smith
Mr. C. Baker	Mr. Gosman	Mr. Mann	Mr. Speaker
Mr. E. Baker	Mr. Graham	Mr. W. M'Donald	Mr. Spier
Mr. Barnett	Mr. Graves	Mr. M'Niel	Mr. Stanton
Mr. Bostwick	Mr. Hammond	Mr. Mixer	Mr. Tailor
Mr. Bradish	Mr. Hascall	Mr. Noble	Mr. Titus
Mr. Brinkerhoff	Mr. Hazeltine	Mr. Norton	Mr. P. Van Beuren
Mr. Burt	Mr. Hedges	Mr. Paige	Mr. Willey
Mr. Carrier	Mr. Hynds	Mr. Redfield	Mr. Williamson
Mr. Dean	Mr. Ives	Mr. Seeley	Mr. Young
Mr. Defreest	Mr Jenkins		54

Those who voted in the negative are—

Mr. Allison	Mr. Davenport	Mr. W. Hall	Mr. Partridge
Mr. Bogert	Mr. Dayton	Mr. C. L. Livingston	Mr. Randall
Mr. Brown	Mr. Garnsey	Mr. Mallory	Mr. Savage
Mr. Cargill	Mr. Goodman	Mr. Morell	Mr. Starr
Mr. Curtiss	Mr. J. Hall	Mr. Myers	Mr. Tower 20

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have passed the same without amendment.

The Senate returned, by their clerk, the bill entitled "An act authorising Edward Lyde and John M'Comb, surviving trustees under the will of Henry Spingler deceased, to sell certain real estate."

Ordered, That the clerk deliver the said bill to the acting Governor.

And then the House adjourned until nine o'clock to-morrow morning.

TUESDAY, MAY 5, 1829.

The House met pursuant to adjournment.

Two several messages from the Senate, delivered by their clerk, with the bills and copies of the resolutions therein mentioned, were read, informing that they have rejected the bill entitled "An act to incorporate the Greenwich bank for savings," and the bill entitled "An act for the relief of Jonathan Wheat."

The house then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to enable certain aliens therein mentioned, to take, hold and convey real estate, and for other purposes."

The said bill and amendments were read; and the amendments having been again read, some of the said amendments were concurred in, and others non-concurred in by the house.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in certain of their amendments to the said bill, and have non-concurred with them in others of their said amendments, as the same are particularly designated in the margin of the said amendments.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution referring the amendments to the bill entitled "An act respecting the salaries of certain judicial officers," which are the subject of disagreement between the two houses, to a committee of conference, and that Mr. Throop, Mr. Benton and Mr. McLean are of the said committee on the part of the Senate.

The house then proceeded to the consideration of the resolution reported by the committee on canals and internal improvements, on the petition of John Brown, praying compensation for damages alleged to have been done to his canal boat.

The said resolution was again read, in the words following, to wit:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act in relation to the appraisal of damages on the canals, and for other purposes."

"An act to amend the charter of the Sun fire insurance company."

"An act for the relief of Seth Wetmore."

E. T. THROOP.

Albany, May 4, 1829.

Mr. Johnson, from the committee of conference appointed on the amendments which were the subject of disagreement between the two houses, to the bill entitled "An act respecting the salaries of certain judicial officers," recommended that the Assembly recede from their amendments not concurred in by the Senate, with an amendment in these words: "The register and assistant register of the court of chancery, shall, after the first day of July next, keep an accurate account of all sums of money by them received for fees, and also the amount of fees charged to the first day of January next, and exhibit a detailed statement thereof on oath, and of their necessary disbursements for stationary, clerk hire and office expenses, quarterly, to the comptroller."

Debates were had thereon; and the question being put whether the house would agree with the committee of conference in their said report, it was determined in the negative.

{NAYS 49}
{AYES 46}

The ayes and noes being required by ten members,

Those who voted in the negative are—

Mr. Bailey	Mr. Franklin	Mr. Judd	Mr. A. Smith
Mr. Baragar	Mr. P. C. Fuller	Mr. Lindsley	Mr. H. D. Smith
Mr. Barnett	Mr. Gardner	Mr. Mallory	Mr. Speaker
Mr. Brown	Mr. Garnsey	Mr. Mandeville	Mr. Spier
Mr. Burt	Mr. Goodman	Mr. M'Crea	Mr. Tailor
Mr. Carley	Mr. J. Hall	Mr. J. M'Donald	Mr. Teller
Mr. Case	Mr. Hascall	Mr. M'Niel	Mr. Titus
Mr. Chandler	Mr. Hermans	Mr. Norton	Mr. P. Van Beuren
Mr. Curtiss	Mr. Holdridge	Mr. Partridge	Mr. Waring
Mr. Davenport	Mr. Hornbeek	Mr. Randall	Mr. Wheeler
Mr. Dean	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Defreest	Mr. Jenkins	Mr. Sheppard	Mr. Young
Mr. Fillmore			49

Those who voted in the affirmative are—

Mr. Allison	Mr. Carrier	Mr. Johnson	Mr. Seeley
Mr. Armstrong	Mr. Dayton	Mr. Keith	Mr. Skinner
Mr. Arnold	Mr. Dyckman	Mr. C. L. Livingston	Mr. Sloughter
Mr. Bacon	Mr. Edgerton	Mr. Mann	Mr. Soper
Mr. C. Baker	Mr. Fitch	Mr. W. M'Donald	Mr. Stanton
Mr. E. Baker	Mr. W. K. Fuller	Mr. Morell	Mr. Starr
Mr. Bogert	Mr. Gosman	Mr. Myers	Mr. Taber
Mr. Bostwick	Mr. Graham	Mr. Noble	Mr. Tower
Mr. Boynton	Mr. W. Hall	Mr. Paige	Mr. Van Wyck
Mr. Bradish	Mr. Hammond	Mr. Phoenix	Mr. White
Mr. Brinkerhoff	Mr. Hubbell	Mr. Savage	Mr. Williamson
Mr. Cargill	Mr. Ives		46

On motion of Mr. Mann,

Resolved, That the clerk of this house cause to be collected, and transcribed in a fair hand, into separate books, all the reports, proceedings and doings of the committee of claims and committee of privileges and elections of the legislature of this state, during the year 1829, together with a regular and correct reference to the journals in every case, and an index to the same, with the name of every applicant or petitioner, arranged in alphabetical order; and that he have the same prepared previous to the opening of the next session of the legislature, for the use of the Senate and Assembly.

A message from the acting Governor, delivered by his private secretary, was read in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act authorising Edward Lyde and John McComb, surviving trustees under the will of Henry Spingler, deceased, to sell certain real estate."

E. T. THROOP.

Albany, May 5, 1829.

A message from the Senate, delivered by their clerk, with the bill therein mentioned, was read, informing that they have passed the bill entitled "An act authorising the holding of a court of general sessions of the peace in and for the county of Erie," without amendment.

Ordered, That the clerk deliver the said bill to the acting Governor.

The Senate returned, by their clerk, the bill entitled "An act appointing commissioners to lay out a road from Sheldon to China, in the county of Genesee."

Ordered, That the clerk deliver the said bill to the acting Governor.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that they have concurred with this house in its resolution of yesterday, rescinding the 10th joint rule of the joint rules and orders of the Senate and Assembly.

A message from the Senate, delivered by their clerk, with the bill and amendment therein mentioned, was read, informing that they have concurred with this house in its amendments to the bill entitled "An act relative to the Capitol," with the amendment thereto therewith delivered.

The said bill and amendment were read,

Thereupon,

Resolved, That this house do concur with the Senate in their amendment to the amendments of this house to the said bill.

Ordered, That the clerk deliver the said bill and amendments to the Senate, and inform them that this house have concurred with them in their amendment to the amendments of this house to the said bill.

A copy of a resolution of the Senate, delivered by their clerk, was read, informing that the Senate have non-concurred with this house in its resolution of yesterday, relating to the subject of the drawing of lotteries.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the following bills:

"An act authorising the holding of a court of general sessions of the peace in and for the county of Erie."

"An act appointing commissioners to lay out a road from Sheldon to China, in the county of Genesee."

E. T. THROOP.

Albany, May 5, 1829.

Mr. J. M'Donald made a motion that the house should agree to reconsider its vote on the report of the committee of conference, on the amendments which were the subject of disagreement between the two houses, to the bill entitled "An act respecting the salaries of certain judicial officers."

Thereupon,

Mr. Judd made a motion that the house should agree to postpone the consideration of the said motion indefinitely.

Mr. Speaker put the question whether the house would agree to the said motion of Mr. Judd, and it was determined in the affirmative.

AYES	51
NAYS	46

The ayes and noes being required by ten members,

Those who voted in the affirmative are—

Mr. Bailey	Mr. Fleming	Mr. Judd	Mr. H. D. Smith
Mr. C. Baker	Mr. P. C. Fuller	Mr. Lindsley	Mr. Speaker
Mr. Baragar	Mr. Gardner	Mr. Mandeville	Mr. Spier
Mr. Barnet	Mr. Garnsey	Mr. M'Crea	Mr. Tailor
Mr. Brown	Mr. J. Hall	Mr. J. M'Donald	Mr. Teller
Mr. Burt	Mr. Hascall	Mr. M'Niel	Mr. Titus
Mr. Carley	Mr. Hazeltine	Mr. Mixer	Mr. P. Van Beuren
Mr. Case	Mr. Heermans	Mr. Norton	Mr. Van Wyck
Mr. Chandler	Mr. Holdridge	Mr. Partridge	Mr. Waring
Mr. Curtiss	Mr. Hornbeek	Mr. Randall	Mr. Wheeler
Mr. Davenport	Mr. Hubbard	Mr. Redfield	Mr. Wyckoff
Mr. Dean	Mr. Hynds	Mr. Sheppard	Mr. Young
Mr. Defreest	Mr. Jenkins	Mr. A. Smith	51

Those who voted in the negative are—

Mr. Armstrong	Mr. Dayton	Mr. Hubbell	Mr. Savage
Mr. Arnold	Mr. Dyckman	Mr. Johnson	Mr. Seeley
Mr. Austin	Mr. Edgerton	Mr. Keith	Mr. Skinner
Mr. Bacon	Mr. Fitch	Mr. C. L. Livingston	Mr. Sloughter
Mr. E. Baker	Mr. Franklin	Mr. Mallory	Mr. Soper
Mr. Bogert	Mr. W. K. Fuller	Mr. Mann	Mr. Stanton
Mr. Bostwick	Mr. Goodman	Mr. W. M'Donald	Mr. Starr
Mr. Boynton	Mr. Gosman	Mr. Morell	Mr. Taber
Mr. Bradish	Mr. Graham	Mr Myers	Mr. Tower
Mr. Brinkerhoff	Mr. W. Hall	Mr. Noble	Mr. White
Mr. Cargill	Mr. Hammond	Mr. Paige	Mr. Williamson
Mr. Carrier	Mr. Hedges		46

A message from the Senate, delivered by their clerk, with the bill and amendments therein mentioned, was read, informing that they have passed the bill entitled "An act for the payment of certain officers and expenses of government," with the amendments therewith delivered.

The said bill and amendments were read; and the amendments having been again read, were concurred in.

Ordered, That the clerk deliver the said bill to the Senate, and inform them that this house have concurred with them in their amendments to the said bill, and have amended the same accordingly.

The Senate returned by their clerk, the bill entitled "An act for the payment of certain officers and expenses of government."

Ordered, That the clerk deliver the said bill to the acting Governor.

Ordered, That Mr. Johnson and Mr. Burt wait upon the acting Governor, and inform him that unless he has some further business to lay before the Legislature, this house is ready to adjourn.

Ordered, That Mr. Skinner and Mr. Edgerton be a committee to wait upon the Senate, and inform them that this house is ready to adjourn.

Mr. Johnson reported, that pursuant to the order of the house, Mr. Burt and himself had waited upon the acting Governor, and informed him that unless he had some further business to lay before the Legislature, this house was ready to adjourn; and that the acting Governor had been pleased to say, that as soon as he had signed the bill for the payment of certain officers and expenses of government, he should have no further communication to make to the Legislature.

Mr. Skinner reported, that pursuant to the order of the house, Mr. Edgerton and himself had waited upon the Senate, and informed them that this house was ready to adjourn.

A message from the acting Governor, delivered by his private secretary, was read, in the words following, to wit:

TO THE ASSEMBLY.

GENTLEMEN,

I have this day approved and signed the bill entitled "An act for the payment of certain officers and expenses of government."

E. T. THROOP.

Albany, May 5, 1829.

On motion of Mr. Johnson,

Resolved unanimously, That the thanks of this house be presented to the Hon. PETER ROBINSON, for the able, impartial, and dignified manner in which he has presided over its deliberations, and discharged the various and arduous duties of Speaker during the present session.

Thereupon,

His Honor the Speaker made the following reply:

GENTLEMEN,

The uniform kindness and courtesy which you have shown me whilst discharging the duties of the chair during the present session, have made an impression upon my heart which time can never efface. I entered upon the discharge of these duties with the greatest diffidence; and it is only by your assistance and support, that I have been enabled to discharge them in any manner to your satisfaction. The resolution you have just adopted, assures me, that whatever may have been my errors, they are remembered no more, and that we part with feelings of mutual esteem and good will In the warmest language of the heart, I thank you for the distinguished favors conferred upon me, and pray you to accept my best wishes for your health, happiness, and prosperity.

A message from the Senate, delivered by Mr. Viele and Mr. Todd, was received, informing that the Senate were ready to adjourn.

Thereupon,

Mr. Speaker adjourned the House sine die.

FRANCIS SEGER,

Clerk.

(APPENDIX A.)

Documents relative to the Chenango Canal.

(*SEE JOURNAL, PAGE* 120.)

(A.)

REPORT OF N. S. ROBERTS.

MADISON, September 17, 1828.

To Reuben Tower, Fortune C. White and Apollus Cooper, of the County of Oneida; Moses Maynard and Rufus Bacon, of Madison; Smith M. Purdy, Henry Mitchell and Ira Wilcox, of Chenango; and Ammi Doubleday and Hazard Lewis, of Broome, the Committee of the Chenango Canal.

GENTLEMEN,

Having been engaged by you to ascertain the practicability of forming an inland navigation for the accommodation of an extensive portion of country, situated along and adjacent to the vallies of the Oriskany creek and the Chenango river, connecting the Erie canal at or near the village of Whitesborough or Utica in the county of Oneida, to the "wide spread branches of the Susquehannah river," at the village of Binghamton in the county of Broome. The country through which this canal would pass, and adjacent thereto, which would be accommodated by it, is extensive, fertile and rich; and its population dense, industrious and enterprising, though in a great measure deprived of an equal communication with the great commercial highway of the state. That such a communication is very feasible by the proposed route of the Chenango canal, in point of expense, has been admitted by all competent engineers who have examined the ground. The only doubt on the subject has been, whether a sufficient supply of water could be obtained for the supply of the summit of said canal, and the expense of obtaining the same.

With the view of determining this question, I have examined all the streams, ponds and lakes on said summit, with their sources of supply, their relative situation, and the area or surface of country from which the water to supply said summit may be drawn; and after the fullest consideration, I am satisfied that the supply of water for the use of said canal, which may at all times be commanded, will not only be ample, but very abundant; and this without any resort to the use of the waters of the Oriskany or Saquoit, on the route north to the Erie canal. And it may not be improper here to remark, that considerable additional quantities of water will be added to those creeks by filtration, and by passing over the waste-weirs necessary for the safety of the canal.

The positive and *permanent* supply of water, will be derived from the three branches of the *Chenango river*, a *reservoir* on *Leland's ponds* and *Madison pond*. The contingent and secondary supply, if ever required, may be derived from a feeder out of *Oneida creek*, put into the head of Leland's pond reservoir. *Hatch's pond*, a reservoir of 1000 acres on the west branch of Chenango, above Morrisville, and another of 1,774 acres, can, with a small comparative expense, be made on the east branch.

While the survey of the Leland pond reservoir was going on, under the care of Messrs. Jones and M'Call, I guaged the streams or branches of the Chenango,

and found them, at the dates mentioned, and at the usual summer drought, as follows, viz:

July 21, 1827.	The outlet of Leland's pond below Johnsville brook, or middle branch of the Chenango, per minute, cubic feet,	1222
Aug. 1, 1827.	West branch, above Ladd's mills, ...	933
" "	Bradley brook, being a part of the west branch, ...	78
2, "	East branch above Dunbar's mills,.....	421
	Running water amounting to, per minute, cubic feet, ..	2654

The survey of the Leland pond reservoir was commenced on the 25th July, and was found to contain 562 acres. This can be raised fourteen feet above the apron of Leland's saw-mill, or twenty feet above the bottom of the canal, and adjoining it, and drawn down, besides the loss by evaporation, ten feet, equal to 252,288,000 cubic feet of water; this is equal to 1460 cubic feet of water per minute for four months. To ensure a copious supply of water to this reservoir, the feeder from the west branch is so located as to deliver all its water through it; and the Oneida creek feeder, if made, will be put into its head. It will readily be seen, that if drawn upon in the course of the season, after being filled by spring freshets, that by this arrangement occasional showers and rain will be by this reservoir saved to be used as required. To this add the water which may be drawn from Madison pond. This was surveyed, and found to contain 74 acres. It is a body of water without much apparent inlet or outlet—is situated near the line of the canal. The natural surface of this pond is 18.13 feet above the bottom of the canal; a short cut through a bank will give this water to the canal. The surrounding banks to this pond are abrupt, and 25 to 30 feet higher than its surface. A feeder of two miles long, from White's brook, can be introduced, which will fill it; so that 20 feet at least in depth may be drawn from this 74 acres, besides evaporation, &c.; which will produce 373 cubic feet per minute for four months.

Recapitulation.

The three branches of the Chenango river, ...	2654
Leland pond reservoir, ...	1460
Madison pond, ...	373
Per minute, cubic feet, ...	4487

This quantity to be at all times contiguous to the canal. The contingent or secondary supply, if ever wanted for either the canal or hydraulic purrposes, may be made to produce as much as the permanent.

The two reservoirs are very remarkable as respects their size, cheapness of construction, and certainty of being filled in the winter and spring. About $\frac{1}{2}$ mile above Morrisville, the high banks on the west branch approach within 200 feet of each other. A dam of this length, 30 feet high, will flow 1147 acres; the levels and surveys were made at 20 feet high, which will flow about 1000 acres, extending 3 miles in length, and about 180 rods on an average, in width; flowing a swamp which is *so level*, that some small ponds were found at the upper end only ninety feet above the surface of the stream where the dam is to be made. Say draw 10 feet from 800 acres, allowing overplus for loss by evaporation, soakage, &c., equal to 348,480,000 cubic feet of water; this is equal to 2016 feet of cubic water per minute for four months. This reservoir on the west branch, would be very valuable for hydraulic purposes, as there is 125 feet fall in the stream, besides the height of the reservoir. calculated at 20 feet between the reservoir and the entrance of the feeder, a distance of 6 miles. This would add very much to the utility of the present mills and factories on the stream, and form a number of new and valuable sites for other hydraulic purposes.

The dam, to make the great swamp or eastern branch reservoir, will be 2 miles, 71 chains and 13 links up from the termination of the east branch feeder. The surface of the stream at this point, is $44\frac{06}{100}$ feet above the bottom of the canal. The hills at this place approach each other so that a dam 20 feet high, will be only 308 feet long at its top line. This will flow 1774 acres, in an extent of five miles in length, and an average of about 200 rods in width. Say draw 10 feet from 1400 acres, allowing overplus for evaporation, &c., equal to 609,840,000 cubic feet of water; this is 3528 cubic feet of water per minute for four months.

Hatch's pond is a beautiful sheet of water, situated in the southeast corner of the town of Eaton—elevated at least 200 feet above the summit level. The shores of this pond are bold and its waters limpid. The survey shows 140 acres. By a cut 50 rods in length, greatest depth 28 feet, 10 feet from the present level of the pond can be drawn; 6 to 10 feet more can be raised by a dam at the outlet: Say draw 10 feet from 140 acres, will give 60,984,000 cubic feet of water. This is 352 cubic feet per minute for 4 months.

The Oneida creek can be turned into Leland's pond. This stream guaged on the 15th Aug. 1827, below Gray's saw-mill, 300 feet of running water per minute. The survey shows the feeder to be 6 miles 30 chains long.

Recapitulation.

	Cub. ft. per min.
Morrisville swamp reservoir,....	2016
Great swamp, or eastern branch do.,....	3528
Hatch's pond,....	352
Oneida creek,....	300
Total quantity per minute, ...	6196
To this add the permanent and certain supply,....	4487
Total cubic feet per minute,....	10683

I have ascertained the area or surface of country from which the upper branches and ponds of the Chenango receive their supply of water, and from which the supply of the summit level will be drawn, viz:

$\frac{2}{3}$ of	Sangerfield, which is equal to	18	square miles.
$\frac{5}{6}$	Madison, "	30	"
$\frac{5}{6}$	Eaton, "	30	"
$\frac{1}{4}$	Smithfield, "	9	"
$\frac{1}{2}$	Nelson, "	18	"
$\frac{1}{4}$	Lebanon, "	9	"
$\frac{2}{3}$	Hamilton, "	24	"
$\frac{1}{4}$	Brookfield, (large town,)	18	"

amounting to an area of 156 square miles; and this area would be increased to 200 square miles, if the Oneida creek was drawn to the summit. It will be noticed, on reviewing the report of Judge Geddes on the several routes surveyed by him from across the Mohawk valley to that of the Susquehannah, that this summit is lower by 60 to 70 feet than any other east of the Cayuga lake. Nature has apparently cut down the high ridge, extending east and west, at this point; so that a water navigation can easily be constructed through this gap or valley; and the streams are so disposed, that a copious supply of water can be commanded with but comparatively small expense.

With respect to the quantity of water which a canal requires, various calculations and opinions have been presented to the public. The scientific reports of the United States engineers, have stated that an average of five canals, the best in France, the water required per minute for each mile, is $46\frac{78}{100}$ cubic feet:

and in the same report it is stated that on 141 miles of the Erie canal, each mile required for filtration, evaporation and lockage, at the rate of 121 cubic feet of water per minute. It has recently been ascertained by Dr. Whippo, engineer, (see his report on Tonawanda canal, page 5,) "that 5400 cubic feet of water per minute passed a given point on the Erie canal, between Lockport and Rochester, and that this supplies 123 miles of canal from Lockport to the Cayuga marshes, including 126 feet of lockage. This is 45 cubic feet of water per minute on each mile." The canal on the above distance, is constructed on every variety of ground, from impervious loam and clay to porous gravel, but principally of sandy loam, which the sediment and self-puddling operation of canal water had in so short a time rendered almost perfectly tight. When the Erie canal (middle section) was first made, but little pains was taken to preserve water, and great quantities were drawn for the use of mills, besides what passed through porous banks and newly opened ground, as well as evaporation. Under such circumstances, the first estimates were made.

M. J. Sganzin, a French engineer, says, in his work on canals, (which see at page 147,) that "the quantity of water required for the summit level of a canal, is composed of several parts. *First.* The quantity lost by evaporation: by experiment this has been fixed as equal to a stratum of water about 34 inches thick, per year. The *second* is the expense by filtration. This, in common earth, is valued at half the evaporation. Inspector-General Ducros observes that this is not enough, and fixes it at one and a half the evaporation.

"This rule may generally be followed in common soils; but it is greatly augmented in sandy soils. An instance may be cited; the loss at the *Narbonne* canal, some time after its construction, was $\frac{1}{18}$ of the whole quantity of water in the canal in 24 hours. This expense, however, continued to decrease, and finally ceased." The expenditure on a canal of the dimensions of the Erie canal, of one-eighteenth part of its water in 24 hours, would be 28 cubic feet per minute per mile. The evaporation of a stratum of water 34 inches in thickness on the Erie canal would be less than 2 cubic feet per minute on each mile, and allowing for this only six months in the year. The extreme consumption then allowable by this author, for filtration and evaporation, is 30 cubic feet per minute per mile.

Major Douglass, in his report to the Pennsylvania canal commissioners on the quantity of water consumed by a canal, (page 8 of his report,) says, "on the New-York canals it was observed, during the first years of their construction, that the expenditure for evaporation and filtration, amounted to upwards of 100 cubic feet per mile per minute; but as the supply of water was very abundant, it is presumed the canal was not as carefully puddled as it might have been: when this is done, the expense of water attributable to these causes, may be reduced to half that amount, and probably to as little as one-fourth, after a sufficient time has been allowed for the banks to settle."

The Major in his calculations in the above mentioned report, has computed 50 cubic feet per minute per mile for filtration and evaporation, besides lockage. Relying upon these calculations as the best which at present can be afforded, and believing them to have been made with a strict adherence to facts, and as they agree with my own observations and opinions, I cannot persuade myself to differ materially from them. Take then the position of Major Douglass, which is the extreme on the safe side. The distance from the Erie canal at Whitesboro', along the line of the Chenango, passing over the summit south to lock No. 9, in the town of Sherburne, below which is the first feeder from the main Chenango river, is 37 miles, 47 chains, to Handsome Brook, a considerable feeder coming in from the east in the town of Sherburne, is 38 miles, 30 chains; to the village of Sherburne, is 39 miles, 26 chains; but allow 40 miles of canal to be supplied from the summit. Take the water that is found running in the three branches of the Chenango, and which very naturally come to this

summit as feeders, amounting to 2,654 cubic feet. 50 cubic feet per minute per mile, for 40 miles, will give.....cubic ft. 2,000
Allow 20 boats to pass over the summit per day, on an average, and each boat to draw two locks of water of 8 feet lift, or per minute, 300

2,300
Leaving a balance of water in the feeders and on the summit, ... 354

Cubic ft. 2,654

Sufficient to pass 20 additional, or 40boats per day.

The calculation of water to fill locks to pass boats is perhaps a safe one, yet it may be observed that the water to supply *evaporation* and *filtration* below the summit, which in this case embraces 22 miles of canal, will necessarily be that with which boats pass up and down, provided the business of the canal is sufficient to give the necessary supply, if not, it must be passed round the locks.

If we go on in further calculation, and suppose the reservoir on Leland's pond to be made, and the feeders brought into it according to the plan, and for reasons before mentioned, I would strongly recommend, and when completed, will, in my opinion, afford an ample supply of water at all time.

Then we may calculate from the reservoir, per minute,..... 1,460
Madison pond,..... 373
Three branches of the Chenango, ... 2,654

Cubic ft. 4,487

per minute into the summit of the canal. This quantity will pass 100 boats over the summit per day, allowing to each boat two locks of water, which will average per minute, ... 1,500
Add for filtration and evaporation on 40 miles of canal, ... 2,000

3,500
Leaving a quantity of water in the reservoir and Madison pond, equal to, per minute, ... 987

Cubic ft. 4,487

If to those quantities of water the Morrisville reservoir is made, it will add to Leland's pond reservoir, and thence to the summit pond, per minute, ... 2,016
The Oneida creek feeder will add to the same reservoir,..... 300
Hatch's pond, ... 352
And the east branch at Great Swamp reservoir, received on the summit by eastern feeder,..... 3,528

6,196

Cubic ft. 10,683

This quantity of water can be drawn into the canal without material injury to private property, and of the sufficiency of the supply for all purposes of said canal, no practical observer can reasonably doubt. The expense of constructing 14 miles, 49 chains of the summit level of said canal, the above feeders and reservoirs, I have computed as follows, viz :

The summit is 17 miles, 60 chains, in length, from lock No. 1, at the south termination, to lock No. 1, at the north termination; 3 miles, 11 chains of the north end I did not locate or examine the ground.

SECTION OF MILES.

Section No. 1.

Commencing at the south side of the Cherry-Valley turnpike, in the Johnsville swamp, town of Madison. The ground 17.51 feet above the bottom of the canal, extending through a cedar and black ash swamp; at its termination, ground 20.80 feet above bottom of canal.

Soils. Black mould, gravelly loam and gravel.

212,560 cub. yds. excavation, at 17 cts.	$36,135 20
80 chains of grubbing,	800 00
2 road bridges, at $200,	400 00
Amount,	$37,335 20

Section No. 2.

Ten chains of swamp; then declining, hard land, to the west branch of the Oriskany creek; deep cutting, running out at 40 chains, continuing along the bed and on the south side of the creek.

Soil. Gravelly loam.

116,484 cub. yds. excavation, at 14 cts.	$16,307 76
16 chains of grubbing, at $10,	160 00
2 road bridges, at $200,	400 00
Amount,	$16,867 76

Section 3 is 57 chains.

Passing south of Oriskany creek, through some light wood-land, along a side-hill south of Cleaveland's mill-pond and his factory.

Soil. Gravelly loam.

25,080 cub. yds. excavation, at 11 cts.	$2,758 80
20 chains of light grubbing,	100 00
1 road bridge,	200 00
Amount,	$3,058 80

Section 1, south of the Cherry-Valley turnpike.

Commencing on ground 17.51 feet above bottom of canal, and passing through a cedar swamp, 36 to 40 chains; then through cleared land, over a beaver meadow; then along the west shore of swamp, terminating 13.03 feet above bottom.

Soil. Black mould, clay, clay loam, gravelly loam and gravel.

162,720 cub. yds. excavation, at 14 cts.	$22,780 80
68 chains of swamp grubbing,	680 00
Amount,	$23,460 80

Section No. 2, south, 1 mile.

Along the bed of Johnsville creek, 55 chains, to the point of the commencement of the embankment of Leland's pond reservoir; the remainder of the section along said embankment, which is made by the excavation of the canal, the ground to be all removed to the west side to form the embankment.

145,760 cub. yds. excavation, at 14 cts.	$20,406 40
30 chains of light grubbing,	120 00
1 road bridge,	200 00
Amount,	$20,726 40

Section No. 3.

Continues 38 chains along the Leland pond reservoir embankment, (this embankment is all through a fine open meadow;) then crossing open fields and level ground, to the side of Woodman's lake, along the side of which is partly wooded, and the bank steep and some broken. Top water of this lake, 6.34 feet below the bottom of the canal.

Soil. Gravelly loam, in some places approaching clay.

62,560 cubic yards excavation, at 12½ cents,	$8,720	00
20 chains of lightish grubbing,	80	00
1 road bridge,	200	00
Amount,	$9,000	00

Section No. 4—South.

Commences on the east side of Woodman's lake. 18 chains of the first part of the section is wooded, then open level land; towards the south end is from 20 to 30 chains of deep cutting through open fine ground.

Soil, same as section 3d.

26,560 cubic yards of excavation, at 9 cents,	$2,390	40
18 chains of grubbing,	90	00
1 road bridge,	200	00
Amount,	$7,680	40

Section No. 5.

Along the edge of a swale on wet ground; land descending gradually to the south. We reach the side-hill on our left, crossing the town line between Madison and Hamilton, 5 chains before we reach the end of this section, crossing Madison creek at the end of 66 chains, which is taken into the canal as a feeder. (This stream William Jones, Esq. guaged on the 28th August, at which time he found 560 cubic feet per minute of running water. It is a considerable stream, emptying itself into Lebanon factory pond, below the village of Hamilton. In the estimates of water to supply the summit level, this stream is not taken into account.)

Soils. In the commencement of this section, we leave the gravel and gravelly loam land, and meet with clay, black mould, clay loam and some sand.

22,800 cubic yards excavation, at 9 cents,	$2,052	00
2,788 do embankment across Madison creek, at 11 cts..	306	68
Waste-weirs for creek, &c.	160	00
2 road bridges,	400	00
Amount,	$2,918	68

Section No. 6.

This section commences on a steep side-hill, on the east side of Madison creek, running parallel with that stream for some distance; part of the way a steep hemlock hill, then a more gradual side-hill, to Shanty brook, on the south bank of which it terminates.

Soils. Clayed and sandy.

13,782 cubic yards of embanking, at 11 cents,	$1,516	02
32,042 do of excavation, at 9 cents,	2,883	78
40 chains of grubbing,	200	00
Culvert for Shanty brook,	400	00
2 road bridges,	400	00
Amount,	$5,399	80

Section No. 7—South.

Is in open, fine ground, with sloping side-hill; in a few places considerable steep; south of the village of Hamilton, and in front of the Theological seminary.

Soil. Same as section 6th, with the exception of some slate rock towards the south end.

34,640 cubic yards of excavation, at 10 cents,	$3,464 00
2 road bridges,	400 00
Amount,	$3,864 00

Section No. 8.

First part is along a gentle sloping side-hill; the latter part, the hill more steep, and some uneven.

Soil. Gravelly loam.

49,810 cubic yards of excavation, at 10 cents,	$4,081 00
All on side-hill, so that the ground can be chosen.	
Amount,	$4,081 00

Section No. 9.

Thirty-two chains of this section are over rather rough, broken ground, on steep side-hill, descending to the west; passing a small creek, which will be taken into the canal by an embankment in the distance; crossing into Lebanon, then on level, smooth ground, east of Lebanon factory, its termination reaching a steep side-hill in some thin woods.

Soil. Gravelly loam; some shelly slate rock on the south part of this section.

41,734 cubic yards of excavation, at 10 cents,	$4,173 40
3,180 do embanking at creek, at 11 cents,	349 80
10 chains of grubbing,	40 00
Amount,	$4,563 20

Section No. 10.

Along a gentle side-hill, open ground, crossing and recrossing the Hamilton and Sherburne road several times; fine ground for a canal.

Soil. Gravelly loam; on this section, the ledge of slate rock makes its appearance two or three times.

34,640 cubic yards excavation, at 10 cents,	$3,464 00
Removal of the road west of the canal, for 18 chains, at $16,	288 00
Amount,	$3,752

Section No. 11.

Side-hill moderately steep, terminating on the west side of a hill which puts down towards the river; all cleared land.

Soil. Gravelly loam; slate rock in a number of places on this section.

26,560 cubic yards excavation, at 9 cents,	$2,390 40
2 road bridges,	400 00
Amount,	$2,790 40

Section No. 12, of 72 chains.

Continued along side-hill, terminating in the edge of a piece of woods at the head of Lock No. 1 south, on the south bounds of the town of Hamilton, little north of Waters' tavern, Sherburne.

31,176 cubic yards excavation, at 10 cents,	$3,117 60
15 chains light grubbing,	60 00
1 road bridge,	200 00
Amount,	$3,377 60

RECAPITULATION.

Section 1, North turnpike,	$37,335 20
2, " do	16,867 76
3, " do	3,058 80
1, South do	23,460 80
2, " do	20,726 40
3, " do	9,000 00
4, " do	2,680 40
5, " do	2,918 68
6, " do	5,399 80
7, " do	3,864 00
8, " do	4,081 00
9, " do	4,563 20
10, " do	3,752 00
11, " do	2,790 40
12, " do	3,377 60
Total cost of 14 miles 49 chains of the main line of the summit level,	$143,876 04

Leland Pond Reservoir.

The embankment is 11 chains 72 links long.

35,185.15 cubic yards, at 15 cents,	$5,277 77
Grubbing preparatory, and waste gate,	600 00
Purchasing and clearing 400 acres of swamp, at $30,	12,000 00
Amount,	$17,877 77

Madison Pond.

The cut across, to draw this pond down to the level of the canal, is 13 chains 77 links.

73,771 cubic yards excavation, at 15 cents,	$11,065 00
Dam, flume, regulating gate, &c.,	300 00
The feeder to fill this lake or pond, is 3 miles, 47 chains, 80 links; but a cut of 2 miles will put the water into a small natural creek, which runs directly into the pond, $500 per mile,	1,793 75
Total cost,	$13,158 75

West Branch Feeder.

This feeder is 7 miles, 38 chains, 96 links in length, to be brought into the Leland pond reservoir; is mostly cleared land, and may be made for $1500 per mile, $11,250 00

East Branch Feeder.

This feeder is 5 miles, 34 chains, 72 links in length, to be put into the canal summit above Lock No. 1 south. at $1500 per mile, $8,151 00

Total cost of the summit, including necessary feeders and reservoirs, $194,-313 56.

The estimate of cost of the construction of the Oneida creek feeder, the Morrisville reservoir, the Hatch pond reservoir, and the Great Swamp or Eastern branch reservoir, is as follows:

Oneida Creek Feeder.

This feeder is 6 miles, 18 chains, 15 links in length, over some rather broken ground and timbered land; it may be made for $2000 per m. $12,453 00
(It may be remarked of this feeder, that it will give a very considerable supply of water, and quite permanent.)

Morrisville Reservoir.

The top line of a dam for this reservoir, vill be 200 feet, and will give 8,796 cubic yards of embankment, which at 15 cts. per yd. is	$1,319 40	
Waste and regulating gate,	600 00	
Purchasing and clearing 1000 acres swamp, at $30 per acre,	30,000 00	
		31,919 40

Hatch's Pond.

This pond will require a cut from the east side of it of 50 rods in length, greatest depth 28 feet, to draw from below the natural surface 10 feet of water.

14,597 cubic yards of excavation, at 15 cents,	$2,189 55
Dam at outlet of pond,	250 00
The expense of making this cut is so small, and as the water will be conducted along a natural stream (Bradley's brook) to the entrance of the west branch of the feeder, it would be well to construct this work,	$2,439 55

Great Swamp or Eastern Branch Reservoir.

It can hardly be supposed that this work will ever be wanted for the use of the canal, at least not until the business of the canal should accumulate beyond any thing it is possible to conceive, and if so, the revenue of the canal would pay for making a work of the grandest of the kind known in the world. There cannot remain a doubt but both this swamp and the Morrisville, have heretofore been *lakes*, and that their outlets have been broken down by some convulsion of nature, or in the process of time become, by the constant wearing away of their waters, reduced to their present level. This swamp contains 4,208 acres of land; a dam of 54 feet high would flow the whole. Confined between gradual sloping hills, which reach to a height of from 100 to 200 feet above this top water line. A dam 20 feet in height and only 308 feet long at top line, will flow 1,774 acres.

10,582 cubic yards of embankment at 15 cents,	$1,587
Grubbing, preparatory, and waste gate,	600
Purchasing and clearing 1,774 acres, at $30,	53,220
	$55,407

Recapitulation.

Oneida creek feeder,	$12,453 00
Morrisville reservoir,	31,919 40
Hatch's pond,	2,439 55
Eastern branch reservoir,	55,407 00
Total,	$102,218 90

As a further illustration of the expense and supply of water for the summit of the Chenango canal, I would observe, that the canal of Narbonne, above men-

tioned, requires a greater of expense of water than any canal in France; the minimum of which is computed at $\frac{1}{18}$ part of its prism in 24 hours, and of course, if the supply should cease, it would become dry in 18 days; and this loss of water, considered so extraordinary, is supplied by 28 cubic feet per minute per mile on the Erie canal. Let us calculate the loss per day sustained on the Erie canal to require the estimated supply of 50 cubic feet per minute for each mile of canal. A mile of the Chenango canal contains, viz. 718,080 cubic feet of water; this divided by 50, the supply per minute, and the quotient is $14{,}361\frac{6}{10}$ minutes, or 10 days nearly, so that 50 cubic feet per minute would supply each mile of the canal, if it should lose all its water once in ten days; a loss almost double to the most expensive canal in France. From this it appears that 50 cubic feet is amply sufficient, even in the most extraordinary cases.

With regard to the reservoirs, and the constant supply of water, as contemplated, it has been ascertained that a surface not less than 156 square miles, slopes towards the reservoirs and feeders calculated to supply the summit, &c. of the Chenango canal, and which of course will receive into its reservoirs and feeders annually, all the surplus water which runs off from said surface, by the three branches of the Chenango.

An approximate towards said quantity, is attempted as follows. And in order to this, it has been ascertained (by rain guages,) that the quantity of rain which falls annually, at places differently situated, is as follows, viz:

At Carlisle, S. C.,	54	cubic inches pr annum.
Frankfort, Ky.	54	do
Andover, Mass.	51	do
Williamsburgh, Vt.	41	do
Rutland, Vt.	41	do
Brunswick, Me.	40	do
Charleston, Mass.	37	do
Philadelphia,	30	do
Williamstown, Mass.	25	do

9)373(41.4 inches average.

But allow 36 inches or 3 feet as a minimum quantity; and of this, $\frac{2}{5}$ is allowed for evaporation; the balance finds its way by degrees in springs and streams, and to low grounds.

A depth of 3 feet of water on a surface of 156 square miles, is equal to

13,047,091,200 cubic feet.

From this deduct two-fifths, as above stated, ... 5,218,836,480

7,828,254,720 cubic feet

of running water.

This last amount, divide by the contents of all the reservoirs, viz:

Leland's Pond reservoir,	252,288,000 cubic feet.
Madison Pond do	9,670,320
Morrisville do	348,480,000
Hatch's Pond do	18,295,200
East Branch or Sangerfield do	609,840,000
Amount of all the reservoirs,	1,238,573,520 cubic feet.

Each reservoir
1,238,573,520)7,828,254,720(6.3 times full annually.
7,431,441,120

396,813,600.0
371,572,056.0

25,241,544.0

From the above calculations, it appears that all the above contemplated reservoirs can be filled six times annually, after making deductions as above stated.

All which is respectfully submitted,
NATHAN S. ROBERTS, *Civil Engineer.*

REPORT OF HOLMES HUTCHINSON.

To Reuben Tower, Fortune C. White and Apollus Cooper, of the county of Oneida; Moses Maynard and Rufus Bacon, of Madison; Smith M. Purdy, Henry Mitchell and Ira Wilcox, of Chenango, and Ammi Doubleday and Hazard Lewis, of Broome, the committee of the Chenango Canal.

GENTLEMEN—

Since the completion of the survey of the route of the Chenango canal by the late Mr. William Jones and Mr. Elijah B. M'Call, engineers, under the direction of your committee, I have made an examination through the valleys of the Sawquoit and Oriskany creeks, and the Chenango river from the Erie canal to the Susquehannah river at Binghamton; I have also examined the books containing the field notes of the surveys and levelling, and the maps of the country, together with the streams and the principal reservoirs proposed as feeders on the summit level. I have been accompanied in my examinations by Col. Reuben Tower and Major Moses Maynard, and have received from those gentlemen and from Mr. M'Call, particular explanations in relation to the surveys; and from the information derived from these sources, I am enabled to present you the following report:

The Chenango canal is intended to connect the Erie canal, at or near the village of Whitesboro or Utica, with the Susquehannah river at Binghamton, in the county of Broome; and when completed will afford a cheap navigation to the country through which it passes, and will accommodate a large amount of trade from the Susquehannah river, through the Chenango and Erie canals to New-York. To the northern parts of Pennsylvania, it will be the means of extending the market for her coal, produce and lumber. And the counties bordering on the Susquehannah river would receive salt, lime, plaster and merchandize, with a great reduction of transportation.

The route as surveyed runs through a rich and highly cultivated country, and will accommodate the following villages: Commencing in Whitesboro or Utica, it passes through New-Hartford, Clinton, near the forge and furnace neighborhood in Kirkland, up east from which, at three miles distance, is the village of Waterville, through Cassety Hollow, Madison, Hamilton, Sherburne, Norwich, Oxford, Greene, Chenango Forks, and terminates at Binghamton, where it unites with the Susquehannah river. The distance from the Erie canal to the Susquehannah river, is 92¾ miles. From the Erie canal to the summit level there is an elevation of,..... 706 ft.
And the descent to the Susquehannah river, is..... 303

Total lockage,.... 1,009 ft.

The amount of lockage in proportion to the distance, compares well with several canals in this country now completed, or nearly so, being a little more than that on the Union canal in Pennsylvania, the Blackstone canal in Rhode-Island and Massachusetts, and the Delaware and Hudson canal in this state. And although the lockage forms a considerable item of the cost of the work, yet, considering the remarkable favorable valleys of the Sawquoit and the Oriskany creeks, and the Chenango river, through which the route passes in its whole extent, the undertaking may be considered very feasible, and may be accomplished at a reasonable expense.

As the Chenango canal may be considered as one of the most important lateral branches of the Erie canal, the estimates have been formed for a work of the same dimensions, viz. 40 feet surface of water, 28 feet on the bottom, and 4 feet deep; the locks to be 15 feet wide and 90 feet chamber, so that the same boats may be used in the navigation. I would, however, suggest the propriety of reducing the size of the canal and locks, and giving greater slopes to the banks. Boats of two-thirds the width of those on the Erie canal, say 10 feet wide and 80 feet long, would carry from 25 to 30 tons, and would require for ordinary speed but one horse, they would have less resistance, be easier of traction, and create less surf upon the sides of the canal. From inquiries and observation, I am of the opinion that freighting can be done on the Erie canal with boats of this description, as cheap, and probably cheaper, than with those now in common use. This reduction would be a great saving in the amount of excavation and embankment, save length of culverts and bridges, and something in the cost of locks. The canal would occupy less land, and there would be a saving of water, as it would require less for lockage, soakage and evaporation.

The plan of the summit level was arranged, and the survey made, under the direction of Nathan S. Roberts, Esq.; and he has made a report as to the supply of water and the cost of construction. From my examinations, I am of the opinion that his plan is judicious; and although there is some deep cutting to be encountered, on the summit near the north end of the level, and some high embankment to be made along the side of a steep ridge of land south of Hamilton village, yet the advantages amply compensate for this expense. The deep excavaiion in the summit swamp, ensures a greater supply of water and saves double lockage. And by the extension south, takes the eastern branch of the Chenango river and greatly extends the limits of the country that will drain into the summit pond by this valuable stream. Mr. Roberts guaged the streams in the dry part of last summer, and made calulations on the subject of reservoirs that would supply the summit; and I find that the Madison brook is not enumerated. This stream, by Mr. Jones' guaging on the 28th day of August last, gave 560 cubic feet of water per minute. And it can be introduced into the canal with little expense, near the village of Hamilton.

From a knowledge derived from the statements and calculations of Mr. Roberts, whose character and standing as a civil engineer, is well known, and from a personal examination of the streams and sources from which water must be obtained, I fully concur with him in opinion, as expressed in his report, that an ample supply of water can be obtained for all the purposes of the canal. The country from the Erie canal to the north end of the summit level at Madison, presents no unusual difficulties for the location of a canal, and the ascent by so many locks, will give an opportunity to choose the direction and the proper depth of excavation. South of Clinton village, limestone of an excellent quality is found in the vicinity of the line: And at Cassety Hollow, where there is an ascent of near two hundred feet, extensive quarries of fine building stone are on the spot; and from some specimens obtained at the place, I believe there is an abundance of hydraulic lime in the same ledge. Here are also extensive forests and mills, so that having all the materials, stone locks can be constructed at this place at a very cheap rate.

The distance from the Erie canal at Whitesboro, to the summit level, is 19 miles, and may be estimated as follows:

19 miles of excavation and embankment, pavement where necessary, &c. at $4,000,		$76,000 00
8 miles, 26 chains grubbing, at $		6,830 00
22 road bridges, at $180,		3,960 00
24 farm bridges, at $140,		3,360 00
26 culverts, as follows:		
3 of 10 ft. span each, at $1,600,	$4,800	
1 15 "	2,000	
1 12 "	1,700	
1 6 "	400	
1 5 "	350	
6 4 " each, at $300,	1,800	
1 3 "	280	
12 2 " each, at $250,	3,000	
		14,330 00
15 lock-houses, with necessary land for yard and garden, at $500,		7,500 00
$12\frac{1}{2}$ miles of fencing cleared land, at $62\frac{1}{2}$ cents per rod on each side,		5,000 00
Add 10 per cent. for contingencies, superintendence, engineers, &c.		11,698 00
		$128,678 00

The summit level is 14 miles and 49 chains long, and extends from Madison to near Waters' tavern, in the town of Hamilton. This level was surveyed under the direction of Mr. Roberts, and his estimates for the canal, reservoirs, feeders, &c. amount to $194,313 56.

From the southern termination of the summit level, down the valley, the Chenango river has wide alluvial meadows, with a gentle declination towards the stream. There is a great uniformity in this valley, for 40 miles, to the village of Greene.

From Greene to Chenango forks, 8 miles, the valley of the river is more contracted, the banks rise more abrupt, and I am of the opinion that the river may be used most of the way advantageously for navigation. As the valley decreases in width, the river has a better direction; and to make it navigable, it will be necessary to remove the logs, trees, &c. from the shore, and construct a towing-path upon the bank.

From Chenango forks to Stone's mill, 6 miles, the country was examined on both sides of the river, with a view to judge of the best and cheapest method to make this navigation. The difficulties on the west side of the valley, are, the Onondaga branch, a large and rapid stream in freshets, to cross which would require an expensive aqueduct, built in the best manner, and of sufficient height to resist the violence of the floods and ice. An expensive embankment would also be required across the low meadows on each side of the river. Below the Onondaga branch, there is half a mile of bank that comes abrupt to the river. Kettle hill, of $\frac{3}{4}$ of a mile, and a bluff bank opposite Osborn Hollow brook, in all about $1\frac{3}{4}$ miles, to be embanked in the bed of the river, and protected by a slope wall or pavement on the outside of the canal.

This survey was made on the east side of the river; and all things considered, I think that side is to be preferred. As this part of the route presents the greatest difficulties, I will give a more particular description of the line, and the method proposed to make the navigation.

Edwards' dam at Chenango Forks, across the Chenango river, sets the water back four miles. The canal could connect with this pond at the point where

there is sufficient depth of water; and by constructing a tow-path, the pond may be navigated to the dam. For a mile and a quarter below the dam, the canal must be made in the bed of the river, by excavating from the hill. The bank for the towing-path must be sufficiently high to be above the floods, and its exterior protected by a slope wall or pavement of stone, in the manner successfully adopted in the valley of the Mohawk river on the Erie canal, and subsequently on other canals that have been built in beds of rivers, where they are subject to the abrasion of the floods. Then succeeds a level flat of half a mile, and immediately below, a fourth of a mile in the bed of the river, by the side of a steep bluff bank; here also the embankment must be protected by a pavement. The route then passes along near the foot of a hill on level land, and crosses Little Pond brook, a stream that will require a culvert of four feet span of arch. A mile further south the line intersects Page brook, which may be admitted into the canal; and a dam constructed with a cap log, two feet above the bottom of the canal, would allow the flood waters to pass off readily without exposing the banks to injury. A flush board may be placed on the top of this dam, to retain the water in the canal at the proper height for the navigation, and so secured that they would be removed by any unusual rise of the brook. A mile below Page brook, there is a rocky point that is much exposed in floods to the force of ice and drift-wood, and the water in the river is from 2 to 10 feet deep. Around this point I would recommend an embankment in the river, and a protection on the outside by a pavement of heavy stone. I have no doubt this would be permanent, considering that a considerable proportion of the river passes near the west side of the valley in unusual high floods. This rocky shore on a low level, would extend about 80 rods; and the canal would then pass off on a flat, crossing Osborn Hollow brook, and continue over favorable land a mile and a quarter, to a cove on the side of Stone's mill-pond. Below the cove there is a very steep rocky hill, three-fourths of a mile in length, composed of shelly slate at the surface.

To construct a canal by the side of this hill, would be expensive; and I would recommend that the canal should connect with the river at the cove, and navigate the pond.

Should it be deemed expedient to conduct a part of the waters of the river from this pond to Binghamton village, to be used for hydraulic purposes, as has been proposed, a new dam may be built at the termination of the steep hill, from the intervale to the island, and an embankment raised across the island to the east end of the west dam. At the east end of the new dam, there should be constructed a strong and heavy abutment, and an ice-breaker, extending up the river at the proper distance from the shore, to admit the necessary quantity of water, and to afford a safe and easy entrance for boats. A towing-path must be made on the east bank of the pond, at the foot of the steep hill; and the canal would be continued on the same level to Binghamton, giving a little descent to the bottom, to allow the requisite quantity of water to pass with facility.

From Stone's mill to Binghamton, 6 miles, the route is feasible, in a good direction; and the canal may be made of an increased size, without much additional cost.

Should the contemplated navigation be constructed between the village of Greene and Stone's mill, in the manner above recommended, I have no doubt that it would be made at an average expense per mile, as low as other parts of the canal in the Chenango valley. The distance is 15 miles, and 8 miles would be river navigation.

Cost of Locks.

The following statement will show the expense of a wood lock, calculated with a due regard to economy, durability and usefulness. The foundation is proposed the same as for stone locks; and the walls of stone on the sides, sup-

port the embankment, protect the timber from the earth, and may be used for the backing wall, whenever the locks are rebuilt with stone masonry.

40 timbers	34	feet long,	10 by 12,	1360			
30 "	26	do	10 by 12,	780			
					2140 ft, for foundation, at $3 per hundred,		$64 20
3-inch plank,	3500,	at 15 dolls. pr m.			$52 50		
2 " do	6500,	at 10 dolls. pr m.			65 00		
						.....	117 50
70 timbers	15	feet long,	10 by 10,	1050			
2 "	27	do	10 by 12,	54			
4 "	42	do	10 by 12,	168			
2 "	12	do	10 by 16,	24			
2 "	16	do	10 by 16,	32			
6 "	30	do	10 by 16,	180			
4 "	16	do	14 by 18,	64			
					1572, at 5 dollars.		78 60

Framing and raising 3710 feet timber, (trenails, &c.) at 5 dolls. 222 72
Planking and piling 10,000 feet plank, at 1 dollar, ... 100 00
750 cubic yards of stone wall, at 1 doll. 50 cts. 1125 00

Wrought Iron Work.

40 clamps, each 3 lbs.....			120 lbs.	
4 setts gate hinges, 40 lbs each, ...			160	
L's and T's, and bolts,.....			448	
4 paddle-gate irons, 56 lbs. each,....			224	
4 rods,	72	....	288	
4 bands,	8	....	32	
4 bolts,	6	....	24	
			1296 lbs. at 11 cts.	$142 56

Cast Iron.

4 frames for paddle-gates, each, ...	80 lbs.		
4 setts of pirots and steps, ...	20		
	400 lbs. at $5,.....		20 00
Gate, including timber and making, per sett,.....	$130 00		
Excavating lockpits and embanking locks,.....	500 00		
		.....	630 00
			$2,500 58

Making the cost 250 dollars per foot lift.

From the south end of the summit level to Binghamton, the distance is 59 miles, and the estimate is as follows:

59 miles of excavation, embankment, tow-path, and the necessary slope wall, &c. at 4000 dolls.....					$236,000 00
11 miles 74 chains of grubbing,.....					6,778 00
53 road bridges, at 180 dolls.					9,540 00
70 farm do at 140 "					9,800 00
39 culverts, as follows:					
1 of 12 feet span of arch, ...				$1700 00	
2 of 10 "	do	.....		3200 00	
2 of 6 "	do	.....		1200 00	
1 of 5 "	do	.....		500 00	
4 of 4 "	do	.....		1400 00	
8 of 3 "	do	280 dolls...		2240 00	
21 of 2 "	do	250 " ..		5250 00	
					15,490 00

6 aqueducts:				
1 of	70	feet, between abutments	east branch of Chenango river.	
1 of	200	" do	Chenango river.	
1 of	100	" do	Conesawocton creek.	
1 of	20	" do	Fly-meadow.	
1 of	25	" do	Birdsall's.	
1 of	100	" do	Osborn Hollow.	
515 feet; and the cost will average 2500 dollars each,				15,000 00
12 lock-houses, with land for yard and garden, at 500 dolls.....				6,000 00
36 miles of fencing, 62½ cts. per rod, on each side,.....				14,400 00
1009 feet of lockage, at 250 dolls.....				252,250 00
Add 10 per cent. for contingencies, superintendence, engineers, &c.....				56,525 80
Mr. Roberts' estimate for summit level, reservoirs, feeder, &c...				194,313 56
Estimate from the Erie canal to the summit level in Madison, ..				128,678 00
Making the total estimated cost,....				$944,775 36

Should the northern termination of the canal be made in the village of Utica, the line from Clinton village would take a more easterly direction, pass through the village of New-Hartford, cross the Sawquoit creek, and continue over very favorable land, and terminate in the village of Utica. This route would increase the distance 2½ miles, and would add to the preceding estimate $17,500.

Should it be deemed advisable to reduce the dimensions of the canal to 18 feet on the bottom and 34 feet surface of water, giving the inside of the banks a slope of two feet horizontal base to one foot perpendicular rise, and also the locks to 10 feet width, it would produce a reduction in the estimate of about 10 per cent.

Locks of wood constructed without stone walls, (which I would by no means recommend,) can be made for $150 per foot lift. This would reduce the estimate $109,000.

These two items deducted from the above sum, will leave the estimated cost of constructing the canal, at $752,196.84.

All of which is respectfully submitted,

HOLMES HUTCHINSON, *Civil Engineer.*

Albany, January 22, 1828.

(B.)

Judge Wright's Report.

To Moses Maynard, John G. Stower and Thomas Wylie, Esquires, a Committee appointed to take measures for the proposed Chenango Canal:

GENTLEMEN—

At the personal request of Major M. Maynard, and accompanied by him, I have made a personal examination of the waters proposed to feed a summit level of this canal, and also the line of canal route down the valley of the Chenango to Binghamton, where it discharges its waters into the Susquehannah river.

As a very important point in the project of this proposed work, and one on which the whole project depended, in a measure, *was, the question whether water enough could be controlled on the summit level, to feed, at all times, for any amount of trade which could be reasonably supposed would ever pass upon it?* I had provided myself with the measurement of water which might be taken for this purpose, as made by Mr. Nathan S. Roberts, a gentleman long known to me for his care, and caution and accuracy in all such calculations. I had also the measurement of Mr. Owen Forman, and the report and estimate of Mr. H. Hutchinson, together with the very plain and perspicuous maps and profiles, and field book of the late Mr. William Jones, and Mr. Elijah B. McCall; wherein is traced the line of the proposed work, together with the plain and well-made topographical views of the county.

With these papers before me, I viewed the several streams proposed as feeding water for the summit. I found them (as represented by the inhabitants of the neighborhood) at an average of common summer water; but evidently considerably more water than was given by Mr. Roberts in his report on the several streams, was now discharged daily by them. I did not consider it proper to measure them, being long accustomed to measure water and determine its volume and amount, as applied to feeding a canal. I could readily and without hesitation, say, that the quantity which might be obtained in the manner and upon the plan as laid down by Mr. Roberts, would be entirely sufficient, without ever resorting to the "contingent and secondary supply of Oneida creek, "Hatch's pond, or either of the proposed reservoirs on the east and west "branch."

I am of opinion that the Leland pond reservoir, with either the east or west branch, will, if care is taken to make the summit level tight, and to keep that level from all useless waste of water, (by keeping the gates of all locks from the summit to a point where another supply of feeding water may be received,) as nearly water-tight as possible, and only permitting *surplus water* to pass, by side culverts, from one lock to another, when they are not in use. This supply, with good management, will equal any demand which the trade will require, for many years to come; and whenever it shall be wanted, a resort may be had to other sources, although I am now of opinion, that no more water will be wanted for this canal, than can be supplied by the Leland pond reservoir and either the east or west branch, provided the trade should require a daily passage of sixty boats through the summer season.

Being fully satisfied, in my own mind, as to the sufficiency of water, I then followed down the line as marked out by Messrs. Jones and McCall, and exa-

mined the feasibility of excavation and embankment along the line, to the town of Binghamton, as before mentioned; and I can assure you, gentlemen, that the valley of the Chenango river, from the town of Madison, presents a formation of ground most extraordinary favorable for easy execution of a canal; so much so, that I do not think the whole state of New-York can present a similar continuous distance, where nature has given a formation more favorable for such a work, and more easy and cheaply executed.

There are only two or three places, and these of only a few miles in extent, where it may be said there is any difficulty. These are near the lower end of the valley, and will require some little skill of the engineer to adopt the safest and useful, and at the same time, most economical plan for the work. It is at this time useless for me to go into detail of any of these difficulties; but I will make a passing remark, by saying, that I should, from my present impressions, adopt the plan, in part, as recommended by Mr. Hutchinson, by one or more dams, to overcome the expense of navigation along the bluffs a few miles above Binghamton; and I would so construct this part of the work, as to take water to the neighborhood of Binghamton for hydraulic purposes, to a considerable extent, as not only a plan of benefit to the country, by creating water power for important manufacturing purposes, but as a project which might easily be made a money-making scheme, if managed properly.

I was requested by Major Maynard to view two distinct routes from the summit level northward; one passing through Augusta, and along the valley of the Skenandoa creek; and the other passing down the valley of the Oriskany creek.

As I had a good knowledge of all this part of the county of Oneida, and well knew that no difficulties existed, but the country along either route was remarkably easy for the formation of a canal, I declined wasting time upon this part of the proposed canal route. The whole matter in this part, may be comprised in a very few words; when I say, that for excavation and embankment for the execution of a canal, this part of the country is remarkably and uncommonly favorable; and from a point near Madison pond, the canal may take its direction northward, and connect with the Erie canal at any point between the east line of Madison county and Utica, as the whole country from near the Seneca turnpike, northward to the Erie canal, lays open, and so nearly the desired level, as to make it accessible in almost any direction, for such a work.

Having now, gentlemen, given you my opinion as to the question of feeding water for the summit, and of the ease and favorable ground for constructing the work, it will follow that you require my opinion of the estimated cost of construction, as reported by Mr. Hutchinson.

I have examined with care and attention, Mr. Hutchinson's estimate for the northern and southern sections, and Mr. Roberts' for the summit; the sum total of which amounts to 914,775 dollars.

There are two or three items in Mr. Hutchinson's statement, in detail in which I should add to his amount. The principal is the aqueducts; the others are the culverts and bridges. To these I should add from 30 to 50 per cent., so as to ensure an estimate that would cover all contingencies on these items.

With these additions, I am decidedly of opinion, the work, under good management, may be accomplished for less than one million of dollars; by a good canal of 40 feet on the surface, and 4 feet in depth, the distance of 90 miles, with locks of wood backed up with stone wall.

As I have now given you my opinion of the supply of water and the cost of construction, you have requested an opinion of the probable amount of trade which will pass upon this canal if constructed.

It is in some countries considered as a part of the duty of an engineer who surveys and makes estimates of a proposed work of a canal, to give statements of the probable amount of trade which will pass upon such a canal when completed. These duties can be much better performed in old settled countries than in new ones. There the population in most cases has arrived at nearly its maximum density, and the regular amount of supplies for sustenance and interchange of products, are more systematically and correctly known.

In a new country like this, where the proposed work is to be executed, there is one half of the country within twenty-five miles on each side of the Chenango river, which is yet in forest; and the part that is settled and inhabited, will no doubt sustain and possess, within thirty years, two or three times the present population.

There is now a line of villages along the Chenango valley in a very flourishing and healthy state, and equal to any to be found in any of the valleys of the state, of no greater age.

That there will be a great interchange of the lime, the gypsum and the salt of the north end of the canal, for the lumber of every kind, from the best of pine and oak to staves and hoop-poles of the south, is easily to be seen—because the interchange is going on daily by land carriage.

That this will form a very good item of tonnage among other things, will not be doubted: and when we add to this the products of the valley and the merchandize required by the population, it will be seen that a very handsome amount of tonnage must pass annually along this canal.

And when we know the fact that coal may be brought by winter transportation, (if not by summer,) from the coal mines in Pennsylvania, to the waters at the southerly end of this canal, and from thence transported northwardly, it is not assuming too much to believe that this will be an item of tonnage producing an increasing and regular trade.

If to these facts we add, that a canal through a country like the Chenango valley, generates and forms new items of trade and intercourse between different parts of the country, it is easy to conceive that the trade upon the Chenango canal, if made, will be very considerable as soon as completed, and will be a regular increasing trade annually.

It may perhaps be stepping out of my duty to say any thing upon the general policy of constructing this work; I will therefore make only one remark, which has struck my mind very forcibly.

If we admit that there ought to be a connection by a canal between the northern counties through which the Erie canal passes, and those counties along the Susquehannah river, the Chenango valley presents advantages in its prominent features of a much lower summit than any other route east of Cayuga lake, and a better supply of water; and therefore if a canal is to be made to connect these counties, the Chenango valley ought to be the place of location for the first work.

Respectfully submitted,

BENJ. WRIGHT, *Civil Engineer.*

New-York, Sept. 29, 1828.

(APPENDIX B.)

ANNUAL REPORT

Of the Comptroller, relative to the expenditures on the canals, for the year 1828.

(MADE TO THE ASSEMBLY, JANUARY 26, 1829.)

COMPTROLLER'S OFFICE,
Albany, January 26th, 1829.

SIR—

I have the honor herewith to transmit to you, a report made pursuant to the provisions of the law relative to the canals, containing an account of the expenditures on the said canals for the last year.

I am; with great respect,
Your obedient servant,
W. L. MARCY.

Hon. PETER ROBINSON,
Speaker of the Assembly.

STATE OF NEW-YORK—COMPTROLLER'S OFFICE,
Albany, January 26th, 1829.

The Comptroller, in obedience to the provisions of the "law relative to the funds, revenue, expenditures and property of this state, and the administration thereof,"

RESPECTFULLY REPORTS—

That the annexed statement A. exhibits the several sums paid to the canal commissioners, and the amount expended by them respectively.

The annexed statement B. shews the several sums expended by William C. Bouck, on the Erie and Champlain canals, the time when, the names of the persons to whom, and the purposes for which the same were paid.

C. the same by Henry Seymour, on the Erie canal.
D. " " " Oswego canal.
E. " William C. Bouck " Cayuga and Seneca canal.
F. shews the amount expended by superintendents of repairs, on the Erie, Champlain and Oswego canals, during the year 1828.

All which is repectfully submitted.

W. L. MARCY, *Comptroller.*

(A.)

STATEMENT shewing the sums received and expended by the canal commissioners, for repairs and improvements of the Erie and Champlain canals, and for the construction of the Oswego, and Cayuga & Seneca canals, during the year ending 1st January, 1829.

WILLIAM C. BOUCK.

DR.

1828, Feb.	12.	To cash of comm'rs of canal fund,...		$10,000 00	
"	16.	do	do	7,685 42	
"	18.	do	do	3,031 78	
Mar.	10.	do	do	12,183 75	
April	3.	do	do	2,255 74	
May	26.	do	do	13,996 00	
June	5.	do	do	8,835 00	
July	26.	do	do	20,090 48	
Aug.	12.	do	do	4,156 00	
Sept.	29.	do	do	36,108 84	
Nov.	24.	do	do	18,000 00	
Dec.	1.	do	do	6,707 44	
"	30.	do	do	5,300 00	
					$148,350 45

CR.

CAYUGA & SENECA CANAL.

By balance from old account,.....				2,346 84	
1828, Feb.	16.	By vouchers produced for expend. of		7,685 42	
Mar.	10.	do	do	3,172 75	
April	3.	do	do	790 00	
May	24.	do	do	13,996 00	
June	5.	do	do	8,835 00	
July	25.	do	do	15,638 48	
Aug.	12.	do	do	156 00	
Sept.	29.	do	do	15,327 84	
Nov.	24.	do	do	20,057 62	
Dec.	30.	do	do	4,504 63	
1829, Jan.	9.	do	do	627 68	
"	"	do	do	127 12	
					93,265 38

CR.

ERIE CANAL.

1828, Feb.	16.	By vouchers produced for expend. of		3,031 78	
Mar.	10.	do	do	9,011 00	
April	3.	do	do	1,465 74	
July	25.	do	do	4,452 00	
Aug.	12.	do	do	4,000 00	
Sept.	29.	do	do	20,781 00	
Nov.	24.	do	do	3,657 00	
Dec.	1.	do	do	6,707 44	
"	30.	do	do	2,336 58	
1829, Jan.	9.	do	do	305 00	
"	"	do	do	140 49	
		" am't his salary for 1828, see No. 651 of expend. on Erie canal,.....		1,500 00	
		Postage and blank books, ...		6 44	
					57,394 47
					$150,659 85

HENRY SEYMOUR.

DR.

1828, Feb.	4.	To cash of comm'rs of canal fund,...		$11,000 00	
Mar.	10.	do	do	10,849 97	
April	8.	do	do	17,278 67	
May	5.	do	do	24,839 63	
June	9.	do	do	12,740 09	
Aug.	21.	do	do	14,027 51	
Oct.	1.	do	do	6,940 50	
"	30.	do	do	15,576 06	
1829, Jan.	15.	do	do	8,854 68	
					122,107 11

CR.

OSWEGO CANAL.

1828, Jan.		By balance from old account, ...		1,019 49	
Mar.	10.	vouchers produced for expend. of...		7,947 22	
April	8.	do	do	13,936 67	
May	5.	do	do	15,974 08	
June	9.	do	do	6,369 68	
Aug.	21.	do	do	12,731 26	
Sept.	30.	do	do	2,750 00	
Oct.	30.	do	do	13,046 06	
1829, Jan.	13.	do	do	13,824 40	
					87,598 86

CR.

ERIE CANAL.

1828, Mar.	10.	By vouchers produced for expend. of.		2,883 26	
April	8.	do	do	3,342 00	
May	5.	do	do	8,865 55	
June	9.	do	do	6,370 41	
Aug.	21.	do	do	1,296 25	
Sept.	30.	do	do	4,190 50	
Oct.	30.	do	do	2,530 00	
1829, Jan.	13.	do	do	3,530 28	
		" am't his salary for 1828, see No. 202 of expend on Erie canal, ...		1,500 00	
					34,508 25
					$122,107 11

SAMUEL YOUNG.

DR.

1828, Jan. 17. To cash of commissioners of canal fund, ... $3,054 20

CR.

ERIE AND CHAMPLAIN CANALS.

1828, Jan. 17. By balance from old account,..... $3,054 20

SUMMARY of the receipts and expenditures by the canal commissioners, from the passage of the "Act respecting navigable communications between the great Western and Northern lakes and the Atlantic Ocean," on the 15th day of April, 1817, to the settlement of their accounts in January, 1829.

RECEIPTS.

Myron Holley received, as stated in the report made by the Comptroller 20th Feb. 1821, (see Assembly Journal, page 580,).....	$1,414,416 63	
do made 21st March, 1822. (see Appendix B. Assembly Journal,)	385,008 95	
do made 17th March, 1823, see Ap. E. do.	345,000 00	
do 16th Feb. 1824, " C. do.	370,020 00	
do 19th " 1825, " F. do.	35,533 94	
To which add amount paid by commissioners of canal fund, pursuant to the "act to provide for the payment of certain notes given by Myron Holley, as treasurer of canal commissioners," passed March 7th, 1825, and also to the "act for the relief of John Thayer and Samuel Learned," passed 17th March, 1826.	17,155 91	
		2,567,135 43

Note.—The assignment, by Myron Holley, of his real and personal property to the state, was to operate, in the opinion of a majority of the commissioners of the canal fund, as a discharge of any balance which they might find against him on the investigation which they were directed to make pursuant to the act entitled "an act to provide for the settlement of the accounts of Myron Holley, late canal commissioner," passed 21st April, 1825. The commissioners found a balance against him, of $30,965 27. Since this examination, Mr. Holley has been charged with $1,347 33. It is perhaps a matter of doubt whether this charge of $1,347 33, was discharged by the assignment.

William C. Bouck received, per report of 1822,..	1,589 80	
do 1823,..	276,000 00	
do 1824,..	534,057 64	
do 1825,..	1,045,250 69	
do 1826,..	489,464 63	
do 1827,..	78,890 48	
do 1828,..	80,586 60	
do 1829,..	150,697 29	
		2,656,537 13
Henry Seymour received, per report of 1821,..	192,375 34	
do 1822,..	640,960 36	
do 1823,..	805,040 97	
do 1824,..	413,261 14	
do 1825,..	185,125 00	
do 1826,..	237,246 59	
do 1827,..	301,212 79	
do 1828,..	255,251 10	
do 1829,..	122,107 11	
		3,152,583 40
Carried forward,		

Samuel Young received, per report of 1821,..		$410,168 47	
do	1822,..	144,472 72	
do	1823,..	518,767 05	
do	1824,..	466,469 18	
do	1825,..	105,870 46	
do	1826,..	150,224 03	
do	1827,..	199,000 00	
do	1828,..	36,371 54	
Present report,..		3,054 20	
			2,034,397 65
Total amount of receipts,.....			$10,410,653 61

EXPENDITURES.

The above sums have been accounted for as follows:

By Myron Holley, agreeable to the report made 20 Feb. 1821,	1,407,444	91½
31 Mar. 1822,	391,980	63½
17 Mar. 1823,	349,036	16
16 Feb. 1824,	366,042	02
19 Feb. 1825,	19,475	66
25 Mar. 1826,	843	41
	2,534,822	83

By William C. Bouck, per report of 1822,.....	1,589 80	
1823,.....	267,353 53	
1824,.....	542,704 11	
1825,.....	1,045,181 23	
1826,.....	489,957 78	
1827,.....	78,466 79	
1828,.....	82,933 44	
Present report,.....	148,313 01	
		2,656,499 69
By Henry Seymour, per report of 1821,.....	194,525 69	
1822,.....	638,810 01	
1823,.....	806,805 63	
1824,.....	410,226 54	
1825,.....	186,421 78	
1826,.....	237,216 75	
1827,.....	297,836 58	
1828,.....	259,649 80	
Present report,.....	121,087 62	
		3,152,583 40
By Samuel Young, per report of 1821,.....	402,552 90	
1822,.....	152,088 29	
1823,.....	518,767 05	
1824,.....	466,175 17	
1825,.....	105,638 51	
1826,.....	150,224 03	
1827,.....	187,565 18	
1828,.....	50,860 56	
		2,034,171 69
Total amount of expenditures,.....		$10,378,077 61

Carried forward,....

Brought forward,....		$10,378,077 61
Balance for which Myron Holley has not rendered vouchers; (for explanation of this balance, see former reports, and the Comptroller's books,).....	32,312 60	
Balance due from Mr. Bouck,.....	37 44	
		32,350 04
Amount of toll collected on the Champlain canal in 1823, charged to commissioners, and paid by them, ...		225 96
		$10,410,653 61

ERIE AND CHAMPLAIN CANALS.

Total am't of expen. agreeably to report of 1821,	2,004,523 53½	
1822,	1,184,468 73½	
1823,	1,941,962 37	
1824,	1,785,447 84	
1825,	1,356,720 18	
1826,	833,146 97	
1827,	368,103 51	
1828,	162,130 10	
Present report,....	91,902 72	
		9,728,405 96

OSWEGO CANAL.

Total am't of expen. agreeably to report of 1826,	44,070 00	
1827,	188,445 57	
1828,	186,021 00	
Present report,....	86,579 37	
		505,115 94

CAYUGA & SENECA CANAL.

Total am't of expen. agreeablyto report of 1826,	1,025 00	
1827,	7,319 47	
1828,	45,292 70	
Present report,....	90,918 54	
		144,555 71
Total amount expended by superintendents of repairs on the Erie and Champlain, and Oswego canals, in the year 1827, per report of 1828, ..	232,472 88	
Present report,.....	234,483 62	
		466,956 50
Grand total of expend. on the several canals,.....		$10,845,034 11

(B.)

Accounts rendered by William C. Bouck, Canal Commissioner.

ERIE AND CHAMPLAIN CANALS.

No. 775.

ALANSON WATSON.

Labor in excavating bottom of canal.

1828, Jan. 24,	$50 00	
Feb. 5,	338 50	
		$388 50

No. 789.

JOHN SLEIGHT.

Labor on Tonawanta feeder.

Jan. 28,	443 28

No. 798.

NATHANIEL C. PRENTICE.

For erecting building over weigh-lock.

Jan. 1,	300 00

No. 799.

H. W. CAMPBELL.

Excavating earth from bottom of canal.

Jan. 17,	1,000 00	
Feb. 14,	600 00	
Mar. 12,	800 00	
June 20,	500 00	
Oct. 9,	200 00	
		3,100 00

No. 801.

JAMES HAGGART.

Blasting and delivering stone for pier at Black Rock.

Jan. 29,	300 00

No. 804.

WILLIAM COOPER.

Contract for delivering and putting up, in the weigh-lock at Rochester, Bull's patent scales for weighing boats.

July 24,	4,000 00

No. 806.

McDONALD & RICE.

Glen's Falls feeder.

July 1,	2,000 00	
Aug. 8,	4,000 00	
Sep. 19,	4,000 00	
" 23,	3,000 00	
Oct. 28,	2,000 00	
Nov. 26,	5,000 00	
		20,000 00

No. 876.

J. & J. VAN FOSSEN.

Labor at the foot of Hemlock lake.

1828, Mar. 1, ... $550 00

No. 651.

WILLIAM C. BOUCK.

His salary as canal commissioner, ... 1,500 00

No. 809.

JOHN VAN NORTWICK.

Services as engineer, and for assistants.

Nov. 27, ... 490 44

No. 808.

BORDWELL & BRAYTON.

Rebuilding locks at Fort-Ann.

Nov. 26, ... 500 00

No. 631.

MISCELLANEOUS ACCOUNTS OF PAYMENTS ON THE ERIE AND CHAMPLAIN CANALS.

1828.			
Feb.	22, W. & C. Rogers,	damages, ...	5,433 00
	29, Truman Hamilton,	do	1,086 00
	" George Tibbetts,	do	1,092 00
Mar.	8, Canvass White, constructing tow-path bridge, ...		850 00
	14, Daniel Rogers, paddle-gates, ...		234 74
	26, Theoplelus Nelson,	damages, ...	350 00
	28, A. Philo & P. Morse,	do	81 00
June	20, Volkert D. Oothout,	do	532 00
	" Volkert Oothout,	do	120 00
	28, Layton Bentley, building bridge, ...		140 00
July	1, J. & H. Wells, dam at Glen's Falls feeder, ...		450 00
	2, John Van Tuyl,	damages, ...	50 00
	4, S. Stewart,	do	120 00
	5, Isaac A. Lansing,	do	300 00
	" John Sproull,	do	240 00
	13, Nathaniel Pitcher,	do	1,400 00
	" Layton Bentley,	do	450 00
	16, Charles S. Williams,	do	190 00
	" Ephraim C. Jackway,	do	100 00
	18, Henry Bassett,	do	187 00
	" Henry & James Bassett,	do	140 00
	" Gardner Thayer,	do	66 00
	26, Peleg Bragg,	do	511 00
	18, Ephraim Crocker,	do	613 00
	" John Darby,	do	200 00
	" Jacob Bittey,	do	200 00
	" Samuel Potter,	do	250 00
	" Lyman & Levi Steele,	do	127 00
	" Benj. Skellie & L. Steele,	do	87 00
	" Jacob Hogeboom,	do	100 00

Carried forward, ...

			Brought forward,....	
1828.				
July	18.	Daniel Sanders,	damages, ...	$400 00
	"	D. W. Wing,	do	413 00
	"	Truman Bell,	do	317 00
	"	Warren Bell,	do	300 00
	"	Alexander Cowan,	do	70 00
	"	James H. Robinson,	do	342 00
	"	John F. Gandall & W. S. Norton, a committee of lunacy of William Finn, damages, ...		400 00
	"	Ebenezer Powell jun.	do	160 00
Sept.	17.	Samuel Bush, building farm bridge,.....		70 00
	18.	Hosea Nichols,	damages, ...	10 00
	"	P. E. & E. E. Steenbergh,	do	50 00
	"	J. H. & H. Robinson,	do	228 00
	"	E. C. Jakway & D. Wallis,	do	15 00
	"	Walter Rogers,	do	130 00
	"	J. & J. L. Durkee,	do	240 00
	"	D. H. Alden,	do	900 00
	19.	Daniel W. Wing, attorney for Neal McKinney, dec.	do	200 00
	"	Asa Catlin,	do	300 00
	"	M. W. Faxon,	do	125 00
	21.	Thomas A. Sherwood,	do	200 00
	"	Russel Clark,	do	200 00
	23.	Abraham I. Fort,	do	90 00
	29.	R. P. Hart, building farm bridge, ...		30 00
	"	Abraham G. Lansing,	damages,.....	717 00
	"	John Sproull,	do	60 00
Nov.	13.	H. H. Bogart, guardian,	do	250 00
Sept.	26.	David Barber,	do	200 00
	18.	J. & R. Galusha,	do	200 00
Nov.	25.	S. T. Shepard, for McAuley,	do	217 00
	26.	Henry Hannaman, &c.	do	300 00
	27.	Eli Black, &c.	do	200 00
Dec.	3.	Cobb & Beecher, water lime, ...		2,336 58
1829.				
Jan.	8.	John Knowlton, damages, ...		305 00
1828.				
Jan.	24.	B. D. Packard, blank book,.....		2 75
Aug.	20.	Horace S. Turner, services, ...		20 00
Feb.	19.	Wing & Geer, making fence,.....		15 84
	29.	G. M. Davidson, advertising, &c.		2 50
June	27.	Milton E. Shaw, surveying, ...		27 00
	"	J. & J. N. Wright, advertising, &c.....		3 00
July	16.	David Taylor, services,.....		1 00
Nov.	10.	John Sleight, labor, ...		33 00
	"	Hiel Brockway, do		35 40
	"	Postage and blank book,.....		6 44
				$25,822 25
Total amount of expenditures by William C. Bouck on the Erie and Champlain canals,.....				$57,394 47

(C.)

Accounts rendered by Henry Seymour, Canal Commissioner.

ERIE CANAL.

No. 552.

J. D. STAGG & W. COOPER.

Boat scales.

1828, June 7,		$1,300 00

No. 562.

DANIEL ROGERS.

Lock gates.

April 7,	1,800 00	
May 3,	6,000 00	
1829, Jan. 9,	1,816 78	
		9,616 78

No. 791.

DAVID FITZGERALD.

1828, April 19,	1,923 55	
May 15,	500 00	
July 10,	700 00	
Aug. 9,	300 00	
Sept. 15,	500 00	
Oct. 23,	500 00	
Nov. 13,	300 00	
Dec. 30,	1,300 00	
		6,023 55

No. 573.

MARCUS ANDRUS.

Extra allowance on contract by C. Board.

Sept. 29,	2,160 50

No. 869.

PLINY DARROW.

Carpenter's work.

Feb. 9,	2,000 00	
Mar. 19,	500 00	
April 16,	500 00	
May 10,	1,000 00	
Sept. 22,	1,500 00	
Oct. 25,	1,800 00	
		7,300 00

No. 898.

BARKER & CLARK.

Butternut feeder.

Feb. 22, in full,	27 26

No. 798.

NATHANIEL C. PRENTIS.

Building house over weigh-lock.

1828, May 19, in full,..... $125 00

No. 846.

PAYMENTS FOR DAMAGES.

Mar.	8,	John I. Peek,.....	15 00
Feb.	22,	Joseph Peek,.....	100 00
	15,	John Matthews,.....	250 00
	18,	Jacob Deforest,.....	181 00
	14,	Abraham Van Vechten,.....	75 00
1827, Dec.	31,	Jacob Zimmerman & Jacob Zimmerman jun.	150 00
1828, Feb.	9,	John A. Ehle,.....	85 00
April	5,	Estate of Abraham Oothout,.....	230 00
Mar.		Nancy Farrell, ...	295 00
April	1,	Abraham G. Lansing,.....	70 00
	2,	Edward Ellis, ...	417 00
	11,	Angelica Schermerhorn, ...	391 00
	22,	Heirs of Mary Murdock, ...	51 00
Aug.	8,	" H. N. Bleecker, ...	57 00
July	11,	William Lane,.....	49 25
Aug.	6,	Ephraim Gilbert, ...	140 00
June,		Robert Clark,.....	50 00
Sept.	26,	Lydia Lush.	30 00
	18,	Town of Buffalo,.....	80 00
	29,	" Niagara,.....	150 00
Nov.	26,	Daniel Dygert, ...	6 00
	10,	Jeremiah Miller,.....	30 00
			2,902 25

No. 847.

MISCELLANEOUS ACCOUNTS OF PAYMENTS ON THE ERIE CANAL.

1827, Nov.	16,	Durfey Delano, digging a well,.....	16 00
1828, Jan.	17,	S. & H. Stafford, patent balance, ...	30 00
May	10,	William Williams, 14 qr. leger, ...	2 81
	20,	Alphonso Allen, timber and labor, ...	237 92
	"	Oliver L. Millard, do	434 25
	"	Levi Cole, timber and labor,.....	257 65
	"	Orsen Watson, do and building stone wall,.	39 74
	21,	S. N. Chubb, do and labor, ...	125 83
	20,	A. W. Starkweather, do	260 66
	"	Thomas Parker, do	156 49
	"	Jehiel Gates, do	233 00
	"	Levi Gillett, do	243 89
	"	Thomas Witt, do	115 14
	"	Gideon Freeman, do and stone wall,	529 66
	"	John Borden, do	256 11
	"	Timothy Bailey, do	84 86
	"	Samuel Lewis, do	107 50
	"	J. St. Clair jun. do	67 85
	21,	Hicks & Sherman, do	151 36
	"	David Smith, do	121 69
Aug.	2,	John Newell, deed for land,.....	75 00
Oct.	23,	John P. Van Sice, advertising, ...	1 25
Dec.	10,	Chauncey Beach, do	1 25
			3,552 91

No. 202.

HENRY SEYMOUR.

Canal commissioner.

His salary for 1828, ...	$1,500 00
Total amount of preceding payment by Henry Seymour on the Erie canal, ...	$34,508 25

(D.)

Accounts rendered by Henry Seymour, Canal Commissioner.

OSWEGO CANAL.

No. 2.

WILLIAM JEROME.

Services as engineer.

1827, Dec. 26, ...	1,000 00	
1828, Feb. 7, ...	500 00	
April 25, ...	1,000 00	
July 8, ...	500 00	
Aug. 6, ...	1,500 00	
		4,500 00

No. 3.

JOEL CANFIELD.

Section No. 1.

Mar. 12, in full, ...	1,207 26	
May 6, extra allowance by canal board, ...	350 00	
		1,557 26

No. 3.

SAMUEL PECK.

Sections No. 1 and 2.

Mar. 8, ...	2,500 00	
17, ...	2,380 88	
Aug. 18, ...	2,000 00	
		6,880 88

No. 4.

ABRAHAM L. BEAUMONT & CO.

Mar. 11, ...	400 00	
April 7, in full, ...	3,543 92	
		3,943 92

No. 6.

CADY, CASE & CO.

Sections No. 6, 7 and 12.

June 5, ...	300 00	
Aug. 6, ...	350 00	

1828, Oct. 22,	$80 00	
Mar. 5, extra allowance by canal board,	8,866 06	
		$9,596 06

No. 7.

SMITH & BOSTWICK.

Section No. 8.

Mar. 7,	24 06	
May 27, extra allowance by canal board,	569 68	
		593 74

No. 8.

HENRY & JOSEPH WARD.

Lake section No. 3.

Mar. 5,	200 00	
Feb. 7,	157 00	
Mar. 17, extra allowance by canal board,	2,105 85	
April 28,	500 00	
July 8,	500 00	
Aug. 18,	100 00	
Oct. 7,	100 00	
25,	150 00	
Dec. 4,	100 00	
25,	200 00	
		4,112 85

No. 9.

WILLIAM WARD & CO.

Sections No. 2 and 10.

Mar. 5, in full,	129 36	
17, extra allowance by canal board,	4,854 61	
		4,983 97

No. 10.

OSWEGO CANAL COMPANY.

Section No. 13.

Aug. 16,	300 00

No. 12.

NATHANIEL ALLEN & CO.

Locks and dam.

Aug. 16,	2,000 00

No. 13.

HIGGINBOTHAM & HITCHCOCK.

Lake sec. No. 4, and sec. No. 11.

May 3, extra allow. by canal board on sec. No. 11,	5,764 75	
June 7,	1,000 00	
		6,764 75

No. 14.

JAMES HOWARD.

Contract for dam.

1828, June	5,	$1,000 00	
Sept.	18,	500 00	
Oct.	29,	300 00	
Nov.	12,	300 00	
	30,	250 00	
Dec.	1,	200 00	
	16,	287 50	
	17,	400 00	
	29,	350 00	
1829, Jan.	8,	500 00	
			4,087 50

No. 15.

J. E. SMITH & CO.

Sections No. 4 and 5.

1828, Mar	12,	300 00	
June	5,	500 00	
July	2, in full,	103 76	
			903 76

No. 19.

SAMUEL BRONSON.

Lake section No 2.

Feb.	16,	350 00	
April	28,	1,200 00	
July	8,	400 00	
Aug.	18,	550 00	
Nov.	14,	200 00	
Oct.	18,	200 00	
			2,900 00

No. 20.

THOMAS ROSE.

Lake section No. 1.

Jan.	16,	250 00	
Feb.	7,	163 00	
April	30,	1,534 57	
May	27,	150 00	
Aug.	6,	100 00	
Sept.	19,	50 00	
Oct.	6,	200 00	
Nov.	22,	200 00	
Dec.	11,	300 00	
1829, Jan.	7,	500 00	
			3,447 57

No. 21.

PETER FAILING & CO.

Sec. 5, sub. 6.

1828, May 3,	extra allowance by canal board,	858 91

No. 24.

NORMAND HUBBARD.

Dam No. 4.

1828, Feb. 29,		$307 80

No. 25.

JEREMIAH CLARK, Jun.

Section No. 3.

Feb. 26,	800 00	
April 30,	1,400 00	
		2,200 00

No. 26.

THOMPSON & FALLEY.

Section No. 4.

Jan. 28,	500 00	
Mar. 27,	1,250 00	
April 25,	100 00	
26,	750 00	
		2,600 00

No. 27.

PATRICK B. BILL.

Sections No. 5 and 6.

Feb. 8,	750 00	
" "	300 00	
June 5,	1,000 00	
July 22,	500 00	
Aug. 16,	1,000 00	
Nov. 10,	100 00	
Oct. 29,	100 00	
6,	500 00	
21,	200 00	
22,	200 00	
Nov. 20,	100 00	
Dec. 1,	100 00	
12,	250 00	
16,	103 33	
18,	40 00	
		5,243 33

No. 28.

DANIEL ROGERS.

Iron gates for locks.

Oct. 29,	1,000 00	
1829, Jan. 6,	390 00	
		1,390 00

No. 29.

PLINY DARROW.

Carpenter's work.

1828, June 7,	1,000 00	
July 2,	500 00	
21,	1,000 00	

1828, Aug.	5,	$500 00	
	21,	250 00	
Sept.	2,	1,000 00	
Dec.	23,	750 00	
			$5,000 00

No. 30.

CALVIN MITCHELL.

Section No. 1.

Feb.	7,	216 00	
April	30,	460 00	
May	10,	500 00	
July	8,	224 00	
	18,	100 00	
Aug.	18,	500 00	
Oct.	6,	200 00	
	23,	400 00	
Nov.	15,	300 00	
			2,900 00

No. 31.

OGDEN MALLORY.

Lock contract.

Jan.	5,	100 00

No. 33.

ORVILLE W. CHILD.

Services as engineer.

Sept.	18,	500 00

No. 34.

COLLINS H. BRADLEY.

Section No. 6.

Sept.	18,	500 00

No. 35.

JAMES JOHNSON.

Furnishing timber.

Oct.	15,	250 00	
Nov.	21,	250 00	
	6,	250 00	
Dec.	15,	250 00	
			1,000 00

No. 36.

WILLIAM L. CROSSETT.

Lock No. 2.

Oct.	6,	1,700 00	
Nov.	13,	2,500 00	
Dec.	10,	500 00	
	12,	400 00	
	29,	500 00	
1829, Jan.	7,	1,500 00	
			7,100 00

No. 17.

MISCELLANEOUS ACCOUNT OF PAYMENTS ON THE OSWEGO CANAL.

1828, Aug. 7,	John F. Fairchild, advertising, &c.....	$3 50	
1829, Jan. 2,	J. E. Smith, construct'g tow-path bridges, &c.	303 57	
			$307 07
Total amount expended by the canal commissioners on the Oswego canal, in 1828,.....			$86,579 37

(E.)

Payments made by William C. Bouck on the Cayuga & Seneca Canal.

No. 1.

DAVID THOMAS.

Engineer.

1828, Jan. 20,.....	$531 41	
May 16,.....	400 00	
July 12,.....	100 00	
Nov. 12,.....	100 00	
		$1,131 41

No. 3.

ROGERS & ROUNDS.

Sections No. 18 and 19.

Sept. 2, ...		476 96

No. 7.

PATRICK B. BILL.

Section No. 16.

Mar. 6, ...	150 00	
May 12, ...	100 00	
22, ...	50 00	
July 10, ...	209 00	
		509 00

No. 8.

WARD, CROSSETT & CO.

Sections No. 6, 9, 17 and 20.

Mar. 6, ...	200 00	
May 22, ...	200 00	
July 12, ...	150 00	
Sept. 4, ...	489 77	
		1,039 77

No. 11.

HEWIS & HANDLEY.

Sections No. 21, 22 and 33.

1828, Feb. 1,		$260 00

No. 13.

HENRY HILL & CO.

Sections No. 23 and 24.

Jan. 26,	750 00	
Feb. 1,	966 00	
		1,716 00

No. 14.

NOAH DENNIS.

Services as engineer.

1827, Dec. 31,	1,298 86	
1828, April 8,	250 00	
May 19,	600 00	
July 12,	700 00	
Sept. 3,	400 00	
Nov. 12,	1,300 00	
Dec. 31,	579 34	
		5,128 20

No. 15.

JOSEPH CURTIS.

Part of section No. 5.

May 23,	150 00	
July 10,	40 00	
Sept. 5,	150 00	
		340 00

No. 16.

BAKER & SMITH.

Sections No. 713, 14 and 15, and making dam.

Jan. 2,	567 00	
12,	566 15	
Feb. 5,	382 00	
18,	200 00	
May 15,	100 00	
22,	140 00	
July 11,	370 00	
Sept. 1,	150 00	
5,	135 00	
Dec. 19,	345 00	
July 11,	43 00	
Aug. 1,	150 00	
Sept. 5,	150 00	
Nov. 15,	300 00	
		3,598 15

No. 17.

LEACH & FAILING.

Section No. 8.

1828, May	23	$400 00	
July	10,	650 00	
Nov.	15,	349 22	
			1,399 22

No. 18.

JOHN L. BIGELOW.

Sections No. 25, 27, 29, 30, and lock No. 11, and repairs.

Jan.	16,	1,200 00	
Feb.	20,	200 00	
May	14,	1,000 00	
	16,	500 00	
July	11,	1,200 00	
Sept.	3,	1,000 00	
	"	1,000 00	
Nov.	12,	590 85	
	"	500 00	
	"	721 40	
Dec.	17,	1,150 00	
			9,062 25

No. 19.

LAMBERT VAN ALSTYNE.

Tow-path bridges.

May	13,	50 00	
July	11,	150 00	
Sept.	5,	23 00	
Dec.	18,	54 00	
			277 00

No. 21.

JACOBS, BOSTWICK & WINES.

Section No. 1.

Nov.	10,		12 42

No. 22.

SOLOMON E. JACOBS.

Section No. 2.

Feb.	11,	230 00	
Nov.	15,	114 00	
			344 00

No. 23.

WILLIAM GRIGGS.

Sections No. 1, 2, 3 and 6.

Feb.	5,	150 00	
May	12,	600 00	
	23,	100 00	
Aug.	5,	510 00	
Sept.	5,	600 00	
Nov.	17,	762 41	
			2,722 41

No. 27.

TILLMAN & BROWN.

Sections No. 11 and 12, and locks No. 3, 4, 5, 6, 7, 9, 10.

1827, Dec.	31,	$300 00	
1828, Mar.	19,	350 00	
May	12,	1,400 00	
	"	2,000 00	
	23,	300 00	
June	18,	750 00	
July	11,	500 00	
Sept.	3,	250 00	
	4,	500 00	
	5,	718 00	
	29,	500 00	
Nov.	12,	500 00	
	14,	1,464 75	
			9,532 75

No. 28.

JACOB CHAMBERLAIN.

Lock No. 8, part of sec. No. 5, repairs and building dam.

Jan.	9,	400 00	
May	12,	300 00	
	26,	300 00	
Sept.	4,	32 00	
Nov.	10,	600 00	
	15,	1,495 60	
	17,	150 00	
			3,277 60

No. 31.

DANIEL W. BOSTWICK.

Building bridges.

May	21,	150 00	
July	11,	130 00	
Sept.	4,	35 00	
			315 00

No. 32.

BEARD & BARCLAY.

Sections No. 31 and 32.

Jan.	27,	150 00	
May	13,	2,300 00	
	19,	200 00	
July	11,	1,800 00	
Sept.	3,	2,800 00	
Nov.	12,	2,500 00	
	14,	800 00	
Dec.	17,	1,500 00	
			12,050 00

No. 34.

JOHN FARRAND.

Part of section No. 9.

Sept.	5,	488 33

No. 36.

ANDREW BOSTWICK.

Sections No. 26 and 28.

1828, Jan.	14,	$140 00	
Feb.	23,	148 75	
May	20,	150 00	
Sept.	5,	500 00	
Nov.	10,	168 64	
			1,107 39

No. 37.

LEWIS McLEOD.

Section No. 10, and lock No. 1.

Mar.	19,	440 00	
May	23,	1,000 00	
July	10,	1,000 00	
Sept.	5,	500 00	
Nov.	14,	150 00	
			3,090 00

No. 38.

SEYMOUR & LANGFORD.

Cast iron lattice paddle-gates.

Jan.	25,	800 00	
Mar.	1,	668 00	
			1,468 00

No. 39.

SMITH WARD.

Part of sec. No. 9.

Jan.	22,	120 00	
May	23,	900 00	
July	12,	500 00	
Sept.	5,	259 28	
			1,779 28

No. 40.

JOHN FAILING.

Section No. 3.

Jan.	22,	240 00	
April	3,	360 00	
May	23,	400 00	
July	10,	460 00	
Nov.	15,	119 91	
			1,579 91

No. 41.

ALFRED HOVEY.

Section No. 1, and part of No. 5.

Feb.	12,	240 00	
May	23,	1,000 00	
July	10,	370 00	
Sept.		222 00	
Nov.	17,	782 84	
			2,614 84

No. 42.

KING & YOUNG.

Safety gates.

1828, April	3,	$61 00	
May	12,	700 00	
July	11,	100 00	
Nov.	14,	50 00	
	15,	135 00	
			1,046 00

No. 43.

A. WRIGHT.

Section No. 25.

April	9,	1,125 00	
May	12,	900 00	
	13,	50 00	
July	11,	1,051 48	
			3,126 48

No. 44.

HOVEY & WINES.

Lock No. 2.

May	12,	2,500 00	
	23,	500 00	
July	10,	1,200 00	
Sept.	5,	350 00	
			4,550 00

No. 45.

CALVIN GAY.

Lock houses.

May	14,	100 00	
	17,	200 00	
	20,	50 00	
July	11,	150 00	
Nov.	15,	115 00	
			615 00

No. 46.

YOUNG, WILLARD & OLMSTED.

Lateral canal.

May	16,	1,000 00	
July	12,	2,000 00	
Sept.	5,	1,500 00	
Nov.	17,	2,000 00	
			6,500 00

No. 47.

BAYLES & SHAW.

Section No. 4.

May	13,	300 00	
July	10,	500 00	
Sept.	5,	300 00	

1828, Nov.	10,	$270 00	
Dec.		169 29	
			1,539 29

No. 49.

TILLMAN & BIGELOW.

Section No. 33.

July	11,	1,000 00	
Sept.	3,	500 00	
Nov.	12,	1,000 00	
Dec.	17,	660 00	
			3,160 00

No. 52.

JACOB STAHLNECKER.

Labor on sec. No. 5.

Sept.	5,	120 00	
Nov.	10,	90 58	
			210 58

No. 53.

JOHN S. WILLIS.

Building collector's office.

Sept.	5,	50 00	
Nov.	15,	100 00	
Dec.	19,	85 00	
			235 00

No. 54.

WILSON N. BROWN.

Labor.

Sept.	5,	880 00	
	29,	120 00	
Nov.	12,	1,200 00	
	15,	381 00	
			2,581 00

No. 35.

MISCELLANEOUS ACCOUNT OF PAYMENTS ON THE CAYUGA & SENECA CANAL.

1828, May	20,	Robert and Benj. Lamont, labor,	35 00
	22,	Jacob Young, do	70 00
	"	Jay Curtis, do	40 00
	23,	Lemuel Herrick, making fence,	55 00
	"	Oliver Bonker, do do	45 00
	18,	William Denio, labor,	27 00
July	10,	Isaac G. Ogden, labor on dam,	130 00
	11,	John Miller, do erecting bridge,	20 00
	"	Jacob Young, labor on tow-path bridges,	38 00
	25,	R. & B. Lamont, labor,	44 00
	31,	R. Swift & Co. do	112 00
Sept.	2,	Moses Dimick, making fence,	54 00
	4,	R. & B. Lamont, labor,	7 00
	5,	Halsey Bidwell, making fence,	27 50
Oct.	26,	Robert A. Lamont, lock tending,	20 00

1828, Nov.	12,	Barclay & Sentell, breakwater for protecting pier,	$250 00	
	13,	Reuben Swift & Co., making fence,	89 00	
	14,	Moors Dimick, lock tending,	40 00	
	"	William Denio, do	40 00	
	"	Benjamin Lamont, do &c.	135 00	
	"	Eason Bishop, labor,	40 00	
Dec.	16,	Abraham Fratenburgh, lock tending,	20 00	
	"	William Denio, do	47 34	
	"	Lazerlier & Brown, labor,	380 00	
	18,	R. & B. Lamont, lock tending,	94 00	
May	17,	Simon Perry, labor in making fence,	10 50	
	"	John Pattison, do do	13 00	
	22,	Joseph Demont, do do	26 00	
July	11,	Lawrence Lynch, do do	19 75	
Oct.	15,	John L. Bigelow, labor,	10 00	
Nov.	14,	William Denio, repairing lock gates, &c.,	3 00	
	"	John Dumont, making fence, and for rails,	12 37½	
	"	Catharine Austin, making fence,	22 50	
	"	W. Mynderse, removing lock-house,	10 00	
Dec.	16,	Moors Dimick, lock tending,	23 34	
1829, Jan.	1,	Calvin Gay, labor,	25 00	
				2,035 30

Total amount expended by the commissioners on the Cayuga and Seneca canal, $90,918 54

(F.)

STATEMENT showing the amount expended by Superintendents of Repairs on the Erie and Champlain Canals, and Oswego Canal, during the year ending 1st Jan. 1829.

ERIE AND CHAMPLAIN CANALS.

NAME OF SUPERINTENDENT.	SUPERINTENDENT From	SUPERINTENDENT To	MILES.	AMOUNT EXPENDED.
Walter Osborn,	Buffalo,	Lockport,	30	$20,885 18
Jared Darrow,	Lockport,	Transit line, east of Newport,	30	621 30
Avery M. Starkweather,	"	" "	30	1,627 38
William Buel,	Transit line, &c.	Irondequat embankment,	48	14,331 30
Joseph Miller,	Irondequat embankment,	Seneca river,	48	8,947 75
Aaron Burt,	Seneca river,	Rome,	80	26,595 11
Robert McBride,	Rome,	Stone church, German Flats,	39	32,031 64
Daniel McIntosh,	S. C. German Flats,	Mendon dam,	17	9,679 29
Nathan Soule,	Mendon dam,	Schoharie creek,	26	11,739 22
Shuler Cady,	Schoharie creek, including dam,	1st lock above Schenectady, inc.	19	11,545 69
Stephen Clark,	1st lock above Schenectady,	Lower aqueduct,	12	11,951 71
Elisha Curtis,	Cohoes dam on Champlain canal, and lower aqueduct on Erie canal, both inclusive.	Albany,	14	21,942 00
Alanson Sumner,	Cohoes dam,	Saratoga guard gates,	28	18,270 22
*William Van Nortwick,	Saratoga, G. G.	Glen's Falls feeder, inclusive,	13	26,653 99
Thomas A. Sherwood,	Glen's Falls feeder,	Whitehall,	22	9,023 65
Total am't of expenditures by superintendents of repairs, on the Erie and Champlain canals,				$225,846 43

OSWEGO CANAL.

Orris Hart, whole line				8,637 19
Total amount of expenditures by superintendents of repairs,				$234,483 62

* This includes expenditures from 10th to 31st Dec. 1827, not reported last year.

(APPENDIX C.)

DOCUMENTS

Accompanying the report of the committee on privileges and elections, on the petition of Harvey Granger.

(MADE TO THE ASSEMBLY, JANUARY 30, 1829.)

Petition of Harvey Granger.

To the Honorable the House of Assembly of the State of New-York.

The memorial of the undersigned respectfully represents to your honorable body, that from the accompanying petition and affidavits of the electors of the town of Greenfield, in the county of Saratoga, it appears that fraud or gross negligence is chargeable on the board of inspectors of the election in said town, which, if not corrected, is calculated to destroy all confidence in the purity of our elections—to prostrate the sovereignty of the people, and to defraud your memorialist of a seat in your honorable body.

It will appear from the documents herewith presented, that at the annual election held on the third, fourth and fifth days of November last, in said town, that Howell Gardner, a resident of said town, was a candidate for the office of elector of president and vice-president; and that the board of inspectors in said town, canvassed and certified that one hundred and eleven votes only, on which the name of Howell Gardner was written or printed, were found in the ballot box: Whereas it now appears, and is herewith presented to you, that one hundred and seventy-two electors of said town, on oath certify, that they, on the days of election aforesaid, presented and delivered to one of the board, to be deposited in the ballot box provided for that purpose, a written or printed ballot, with the name of Howell Gardner for elector thereon. From which it is manifest that the board of inspectors of the said election, or some one of them, have wickedly and corruptly taken from the said ballot boxes sixty-one ballots on which the name of the said Howell Gardner was written or printed, and inserted an equal number with the name of Salmon Child thereon, who was the opposing candidate; or have so negligently and carelessly kept the said boxes as to suffer some other evil minded and wicked citizen, to perpetrate the fraud. Either of which, in the judgment of your memorialist, if properly substantiated, would taint the whole proceeding of this board, and entirely vitiate and render void the election of that town: And if the vote of said town, on investigation by your honorable body, should be determined to be fraudulent and void, your memorialist would be justly and legally entitled to a seat as a member of the legislature from the county of Saratoga.

All which matters and things your memorialist prays may be inquired into by your honorable body.

HARVEY GRANGER.

Petition of the inhabitants of the town of Greenfield.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened:

The petition of the undersigned inhabitants of the town of Greenfield, in the county of Saratoga,

Respectfully Sheweth—

That at the last annual election held in the said town of Greenfield, at the time the votes of said town were canvassed, there appeared to have been only one hundred and eleven votes given for Howell Gardner, one of the candidates for the office of elector of president and vice-president:

That the undersigned became satisfied that there was some error or irregularity at the polls of said town, and efforts were made to ascertain, who of the voters of said town had voted for the said Gardner, by calling on them individually: That the result of said efforts were, that upwards of one hundred and sixty voters in said town, certified on oath that they had voted at said polls for the said Gardner:

From which circumstances, and from others within the knowledge of the undersigned, they have reason to doubt whether the said canvass corresponds with the intent and fair expression of the sentiments of said voters.

The undersigned do therefore present the case to your honorable body, as one, in their opinion, deserving legislative inquiry; praying that such measures may be adopted as are calculated to develope the cause or causes of the extraordinary result of the said election.

And your petitioners will ever pray, &c.

Dated Jan. 13, 1829.

Charles Deake,
Henry C. Weed,
William Donham,
Wm. G. Deak,
Davis Emigh,
Peter Dubois,
William Mitchell,
Benjamin Deake,
Caleb Crandell,
Charles D. Rogers,
Otis Ballou,
Alanson Ballou,
Jesse Bowen,
Joseph Stedman,
Alvah Dake,
William Bowen,
Daniel Morehouse,
Isaac Thornton,
Moses Huitt,
Herman G. Sweney,
Cornelius T. Allen,
Harris Smith,
Seth Tallmadge,
Robert Service,
Samuel D. Morris,
Rowland Curtis,
John Armstrong,
J. Sackett Weed.

The People of the State of New-York, by the grace of God, free and independent:

To Jonathan Lapham, Solomon Deake, Silas Gifford, Henry Miller, Adam Bockes, jun., Salmon Childs, Charles Deake, John Prior, John Pettit, Elihu Wing, Seth Hewit and Judiah Ellsworth.

In and by virtue of the authority vested in me by the annexed resolution, you and each of you are commanded to be and appear before the committee of privileges and elections, at the Capitol in the city of Albany, on the twenty-fourth day of January instant, at ten o'clock in the forenoon, then and there to testify and give evidence relative to an inquiry pending before the said committee, on

a charge of fraud preferred against the inspectors of elections of the town of Greenfield, in the county of Saratoga, alleged to have been committed at the last annual election in said town.

Given under my hand at the Capitol in the city of Albany, this 20th day January, 1829.

By order.

BELA EDGERTON,
Chairman of said Committee.

STATE OF NEW-YORK—In Assembly,
January 20th, 1829.

Resolved, That the standing committee on privileges and elections, have power to send for persons and papers; and that they report to the house their proceedings on the same from time to time, as the said committee shall deem expedient.

By order,

FRANCIS SEGER, *Clerk.*

PRIVILEGES AND ELECTIONS.

January 24th, 1829.

Memorial of Harvey Granger sets forth fraud on the part of inspectors in town of Greenfield, in Saratoga county, viz. Howell Gardner, a candidate for elector of president and vice-president, &c., received, as per certificate, 111 votes; 172 electors swear that they voted for Howell Gardner.

[See memorial of Harvey Granger.]

Affidavits read in support of the charge of fraud, &c.

Jonathan Lapham sworn. Deponent is supervisor in town of Greenfield; was very careful in the charge of the boxes; was induced to be so in consequence of reports that an attempt would be made to set aside the election of said town. Mr. Solomon Dake is the person from whom deponent heard the report. All the votes given to Howell Gardner, were duly canvassed and returned for said Howell Gardner; thinks it impossible that any of the votes could have been taken out of the box without deponent's knowledge.

Silas Gifford sworn. Deponent was inspector of election, and attended the three days of election. Boxes kept first night with town clerk; second night kept by Lapham. Heard somebody say on the second day, that an attempt would be made to set aside the election, but don't recollect who made the declaration. The usual oath was administered to the inspectors. No votes were given to Howell Gardner that were not duly canvassed and returned. Keys were kept by deponent third night.

Adam Bockes jun. Was present as inspector of the election in said town of Greenfield; was sworn as the inspector, &c.; is positive that no votes given for Howell Gardner, could have been neglected to be properly canvassed and returned.

Mr. Solomon Dake. Is town clerk; attended the election for the three days; was present at the canvass; every vote given for Howell Gardner, was canvassed and returned for him. Thinks it impossible that any vote could have been taken out; the boxes were carefully sealed; the seals were never broken but in the presence of the board of inspectors; no person could have opened the box without deponent's discovering it; heard from Mr. Alvah Dake, some

days before the election, that he would cause the election to be set aside; stated to the deponent the several means by which he would effect such result; such as procuring illegal votes, and by inducing the same person to vote twice. Alvah Dake offered to bet that the election would be set aside; and deponent therefore stated to the inspectors the necessity of proceeding with extreme caution. Deponent thinks the board did proceed with more than ordinary care; several tickets were handed open to the inspectors, and by them folded and put in their proper boxes; thinks that no mistake could have been made in canvassing the votes without deponent's knowledge.

Henry Miller. Is assessor of the town of Greenfield, and attended the election the three days; the boxes, after each day, were sealed, &c.; first night in charge of Mr. Dake; second, in charge of Mr. Lapham; and third night, again in charge of Mr. Dake. There was no vote given for Gardner that was not canvassed; was apprised on the first day of the election, that an attempt would be made to set aside the election, and the board was therefore cautious in their proceedings; the boxes appeared every morning in the same condition as left on the preceding evening; and deponent does not think that the boxes could have been opened without his detecting it.

Salmon Childs. Is a resident of the town of Greenfield in Saratoga county; knows Mr. Solomon Dake, the town clerk, and thinks him an upright and industrious man. Deponent knows all the inspectors, and thinks them entitled to the confidence and good opinion of the community in which they reside; deponent was present at the polls a greater part of the three days, and as far as he observed, the election was conducted with caution and propriety.

Elihu Wing. Deponent resides in the town of Greenfield, county of Saratoga; thinks the inspectors men in whom the confidence of the community may be safely reposed; was present at the canvass, and saw what was doing by the inspectors in regard to the congress box, and thinks the inspectors acted with propriety.

Charles Deake. Deponent thinks there was no fraud on the part of the inspectors; deponent stated his knowledge to the examinations, &c.; deponent thinks more ballots were given for Gardner than were canvassed.

Judiah Ellsworth took the affidavits, &c.; stated severally the manner of so doing.

Monday, January 26th, 1829.

John Pettit sworn. Resides in Greenfield, Saratoga county; has for thirty years known the canvassers, and their characters are established as honest and pure men.

(No. 1.)

Deposition of Joseph Daniels.

Saratoga County, ss.

I Joseph Daniels, of the town of Greenfield, in said county, do solemnly swear in the presence of Almighty God, that I was present on the second day of the late election of said town, and a short time before the poll was adjourned on that day, a gentleman by the name of Abraham Tuttle was there and wished to vote; and Alvah Dake of said town offered the said Tuttle votes, which the said Tuttle observed he did not like. I observed to him and asked him what votes he wanted. He, Tuttle, observed he wanted administration votes. I told him I could furnish him with such votes, and showed him the same. Alvah Dake observed that they were Jackson votes, but his were administration. I observed to Tuttle that he had better see some of his friends that would not deceive him. With that Tuttle went into the house, and Alvah Dake, Richard Hewet, and Seth Tallmadge took hold of him and crowded the said Tuttle to the back part of the room, and Alvah Dake stated to hold on to him until the poll was closed. They were threatened to desist or the authority would interfere. I took hold of said Tuttle, and helped him to extricate him from the said Dake, Hewet and Tallmadge, and he with my assistance went to the poll and voted, which was the last vote taken on that day.

JOSEPH DANIELS.

Sworn and subscribed the 25th day
of December, 1828, before me,
JOHN PETTIT, *Justice Peace.*

(No. 2.)

The Deposition of John Gifford, Henry Peacock, Seneca Weed, and Wm. R. Pettit.

I, John Gifford, do solemnly swear that I did, on the 5th day of November last present my tickets to the board of Inspectors of the said election for the town of Greenfield, by laying them on the table before them; that the ballot containing the name of Salmon Child for elector of president and vice president was laid on the said table open, for the purpose of its being publicly known what my sentiments were on the presidential election; my name having previously appeared in the public prints as one of the committee of vigilance to aid the election of Andrew Jackson. And that the said open ballot was taken up by Solomon Dake, one of the Inspectors, folded and put into a ballot-box, he observing at the same time, in a jocular manner to some of the bystanders, (as I then conceived it) "there is one of your Jackson votes," or some similar expression.

JOHN GIFFORD.

Subscribed and sworn before me this
28th day of December, 1828,
ELIHU WING, *Justice.*

Saratoga County, ss.

William R. Pettit, Seneca Weed, and Henry Peacock, and each of them being by me duly sworn or affirmed did depose and say that they were present when the above named John Gifford presented his ticket to the board of inspectors, and that the above statement in relation to the ballot laid on the table open in the manner he has described, is true, and was taken up, folded, and put into the ballot-box by the above named Solomon Dake, accompanied with the remark, or a similar one, as above stated.

HENRY PEACOCK,
SENECA WEED,
W. R. PETTIT.

Subscribed and sworn before me this
26th day of December, 1828.

I, Joseph Mitchel junior, of the town of Greenfield, do solemnly swear that I was present on the 5th day of November last, at the board of election in the town of Greenfield, at the inn of Seth Austin, and saw John Gifford of said town present his tickets to the board of inspectors, and they were not folded but perfectly open so that they might be read by the bystanders if they had been a mind so to do.

JOSEPH MITCHELL, Jr.

Subscribed to and sworn this 26th day
of December, 1828, before me,
ELIHU WING, *Justice.*

(No. 3.)

Affidavit of Nehemiah Wing.

Saratoga County, ss.

I, Nehemiah Wing, of the town of Greenfield, in the said County, do solemnly swear in the presence of Almighty God, that I was present on the second day of the late election, at the Inn of John Page in said town of Greenfield, but a short time before the board adjourned at evening. I was passing through the bar-room, and nigh the outside door I met a Mr. Abraham Tuttle, Capt. Joseph Daniels, Alvah Dake, and two or three other gentlemen. Capt. Daniels asked Mr. Tuttle of he was acquainted with me. He answered he was. Capt. Daniels observed that I could tell him, so that he should not be deceived. Alvah Dake told him not to vote until he see George Riddle. I then asked Mr. Tuttle whether he wished to vote the Jackson ticket or administration. He said he would not vote the Jackson ticket. I then a received a set of tickets from Capt. Daniels and read them to him, the said Tuttle; and Alvah Dake told him I was deceiving him—them tickets were Jackson tickets, and repeated again not to vote until he see George Riddle. I then told him (Tuttle) to read the tickets himself, and handed them to him, and he attempted to go to the board and was prevented by Alvah Dake and others. The said Alvah hauled him or crowded him some feet in a different direction from that of the board. I then told the said Alvah not to prevent Mr. Tuttle from voting; and after some struggle Mr. Tuttle succeeded in going to the board.

NEHEMIAH WING.

Subscribed and sworn to the 25th day
of December, 1828, before me,
JOHN PETTIT, *Justice Peace.*

(No. 4.)

Deposition of John Barney.

Saratoga County, ss.

I, John Barney, of the town of Greenfield, county of Saratoga, and state of New-York, do solemnly swear in the presence of Almighty God, that I did execute to Solomon Dake, of the aforesaid place, for a valuable consideration, a warrantee deed, (of a certain piece or parcel of land, lying in said town of Greenfield,) bearing date the first day of April, in the year of our Lord one thousand eight hundred and twenty-six; which said land has not been conveyed to me by any person since that time, either by deed, bond, mortgage, judgment or article, or by any other mode of conveyance; and the aforesaid deed is now in the hands of the said Solomon Dake, and from the best of my know-

ledge and belief, the aforesaid title has been vested in him from that time up to the present date.

JOHN BARNEY.

Sworn and subscribed to, this 21st
day of January, 1829, before me,
ADAM BOCKES, Jr. *Justice of the Peace.*

(No. 5.)

The deposition of Solomon Dake.

Saratoga County, ss.

I, Solomon Dake, of the town of Greenfield, county of Saratoga, and state of New-York, do solemnly swear in the presence of Almighty God, that John Barney did execute to me a warrantee deed, (for which I paid a valuable consideration,) bearing date the first day of April, in the year of our Lord one thousand eight hundred and twenty-six, and that the title has been vested in me ever since the execution of said deed, and I have not at any time conveyed said land to any person either by deed, bond, mortgage, judgment, article, or any other mode of conveyance, from the time of my first receiving said deed to the present date, and now hold said deed, the same being in my possession.

SOLOMON DAKE.

Sworn and subscribed to, this 21st
day of January, 1829, before me,
JOHN PETTIT, *Justice Peace.*

(No. 6.)

The affidavit of Solomon Dake.

Saratoga County, ss.

I, Solomon Dake, do solemnly swear, that during the month of September last, I had frequent conversations with Alvah Dake on the subject of the result of the election of the town of Greenfield as to the probable majority of said town, and that while engaged in conversation on the subject, he, the said Alvah Dake, observed, that it would make no difference what the majority in the town of Greenfield would be, as it respected the result in the county, for the election of Greenfield would be overthrown. I then asked him how the election of Greenfield could be overthrown; he replied that he would get some illegal voter to vote, or would get some one to vote twice; and after arguing with him some time that his projects would fail, he replied that it could be done and would be done.

SOLOMON DAKE.

Subscribed and sworn to, the 25th
day of December, 1828.
JOHN PETTIT, *Justice Peace.*

(No. 7.)

The deposition of Daniel Wing.

Saratoga Coun'y, ss.

I, Daniel Wing, of the town of Greenfield, do solemnly and sincerely declare and affirm, that I was at the store of Solomon Dake, in the said town of Greenfield, on or about the latter part of September last, when and where a conversation took place respecting the probable result of the approaching election in

and of said town of Greenfield, when Alvah Dake observed that the votes of the town of Greenfield would be lost; and offered to bet that the votes of said town would be lost, and that he would use his exertions to effect the same; the said Alvah Dake directing his remarks principally to Solomon Dake.

DANIEL WING.

Subscribed and affirmed this 29th day of December 1828, before me,

ELIHU WING, *Justice of Peace.*

(No. 8.)

William Mitchell's Affidavit.

Saratoga County, ss.

William Mitchell, of the town of Greenfield, in said county, aged thirty-three years, being duly sworn, deposeth and saith, that he is an elector of said town; was present at the poll of election held in said town of Greenfield in November 1828, on the last day of the election, and on that day he saw Orran Hathorn offer a ballot to one of the inspectors of the said election; the said Orran's vote was challenged by John E. Deake, a legal voter of said town, in the presence of all the inspectors, on the ground that the said Orran was not a resident of the said town of Greenfield, but lived in the town of Milton. Henry Miller, one of the inspectors of said election, observed, that he was acquainted with the said Orran, and that he was a legal voter; the ballot was deposited in the box by one of the inspectors, in the presence of this deponent, without the challenge being withdrawn or waived, or the elector being sworn; that in relation to such taking of that vote, and on that subject only, did this deponent ever hear any thing relative to setting aside the poll of the town, until since the election, and after the discovery of the existence of other frauds in said election or canvass. That this deponent, together with Alvah Dake, went to the different persons in said town, who signed a certificate, and afterwards swore, that they voted for Howell Gardner; and the deponent says that no person whatever signed such certificate, without having, in this deponent's presence and knowledge, a full explanation and understanding of the contents and meaning of said certificate.

WILLIAM MITCHELL.

Sworn before me, this 28th day of January, 1829.

THOMAS HOWLAND,
A commissioner in and for said county.

(No. 9.)

Affidavits of Jonathan Shurtleff, Andrew Shook, &c.

I, Jonathan Shurtleff, of the town of Pompey, in the county of Onondaga, and state of New-York, late of the town of Greenfield, county of Saratoga, and state aforesaid, do solemnly swear in the presence of Almighty God, that I did, on the fourth day of November last, present and deliver unto the board of inspectors of election of said town of Greenfield aforesaid, a paper ballot containing the name of Howell Gardner for elector; which said ballot was received by said board of inspectors of election, to be deposited in the ballot box. And further this deponent saith not. Dated at Pompey aforesaid, this 26th day of December, A. D. 1828.

JONATHAN SHURTLEFF.

Taken and acknowledged before me, this 26th day of December, A. D. 1828.

D. GOTT, *Commissioner.*

Saratoga County, *ss.*

Andrew Shook, of Greenfield, being duly sworn, says, that on Wednesday, the fifth day of November last, he delivered to the inspectors of election of said town, a ballot for elector, for justice of the peace, and for one assemblyman, and for sheriff; that after the said ballots were delivered to the said inspectors, to be inserted in the ballot boxes, the ballots for justice of the peace and for elector, were put into the boxes by the inspectors without being unfolded; but the ballot for assembly and sheriff, which was delivered to Solomon Dake, town clerk, and was doubled or folded three times, was unfolded by the said town clerk once, so that it was folded but twice; when this deponent spoke to the said town clerk, telling him he did not vote two tickets; the said town clerk then hastily folded up the ticket again, and put it into the ballot box. This deponent then and now believes, that the said town clerk intended, by unfolding the said ballot, to discover the name or names of some person or persons written on the same. This deponent says the ballot for elector was for Howell Gardner.

ANDREW SHOOK.

Subscribed and sworn, the 17th day of December, 1828, before me,
J. ELLSWORTH, *Commissioner*, *&c.*

Saratoga County, *ss.*

Alvah Dake and Charles D. Rogers, of Greenfield, being duly sworn or affirmed, say, that on the fifth day of November last, they saw John Gifford, of the said town, present and deliver to the board of inspectors of election in said town, a sett of ballots, to be inserted in the ballot boxes; that Solomon Dake, town clerk, took up one of the said ballots, took one edge of the same in the thumb and finger of one hand, and the other edge of the said ballot in the thumb and finger of the other hand, opened or unfolded the same, held it up over his shoulder, open, and requested this deponent, Alvah Dake, to look at the ballot, saying, "There is one of your Jackson committee." These deponents further say, that when the ballot was held up to this deponent, Alvah Dake, John Gifford had gone away from the board, or had turned to go away.

ALVAH DAKE,
CHARLES D. ROGERS.

The said Alvah Dake was sworn, and the said Charles D. Rogers solemnly affirmed, to the above affidavit and affirmation, the 17th day of December, 1828, before me,

J. ELLSWORTH, *Commissioner*, *&c.*

Saratoga County, *ss.*

Alvah Dake, of Greenfield, in said county, being duly sworn, says, that in April, 1827, at the annual town-meeting in said town, Solomon Dake was a candidate for town clerk; and on inquiry being made of this deponent, by Asa Bowen, one of the electors of the said town, whether Solomon Dake was a freeholder, this deponent stepped into the store of the said Solomon Dake, and asked him if he was a freeholder. Solomon Dake replied he was, and showed to this deponent his deed of a small piece of land lying on the mountain, of the value of fifty dollars, executed by John Barney, who had bred up the said Solomon Dake from a child. The said Solomon Dake was not then elected town clerk, but was elected to that office in April, 1828. A short time after he was elected, in April, 1828, this deponent proposed going into partnership with the said Solomon Dake, and did commence such partnership in May last, and continued it five months. When the said Solomon Dake and this deponent were making the inventory of the goods in the store, previous to commencing the partnership, Solomon Dake took up the deed from John Barney, and said he only got it for the purpose of being a freeholder; at town-meeting he should take back the deed to uncle John, (meaning Barney,) and get his note for the fifty dollars, which he had given for the deed, and then put the deed into his hat for that purpose. This deponent was in partnership with Solomon Dake

five months, and never heard or knew any more about the deed; and he believes the same was delivered, or the same otherwise re-conveyed to Barney, and that Solomon Dake got his note back. This deponent never knew that Solomon Dake was a freeholder, other than by virtue of the said deed; and this deponent verily believes had no title to a freehold estate at the time of the late election in November last.

ALVAH DAKE.

Subscribed and sworn, the 14th day of January, 1829, before me,
JUDIAH ELLSWORTH, *Commissioner, &c.*

(No. 10.)

Alvah Dake's Evidence.

New-York, January 27th, 1829.

Alvah Dake, sworn. Resides in Greenfield, and attended the polls at last annual election in said town; never had any conversation with Solomon Dake upon the subject of the election, before or after the election, about setting the same aside; assisted in procuring the affidavits, &c.; never told Solomon Dake that he would procure illegal voters, or that he would induce one person to vote twice; always had a good opinion of the character of the inspectors, till after the election; and the reason he now has to doubt, is, that the ballot box did not yield as many votes as he had supposed would be given to Mr. Howell Gardner; deponent never had any disagreement with Solomon Dake; they were formerly co-partners, and dissolved business with mutual good feelings; deponent never told Abraham Tuttle that the votes he, the deponent, offered to said Tuttle, were administration votes; never said he had administration votes.

(No. 11.)

Affidavits.

1st. To rebut the inferences intended to be drawn from the affidavits which are extra judicial, it is desirable that the deponents be sworn in a manner to make them responsible before the committee or commissioners, and the privilege of cross examining them allowed.

2d. To have a commission to ascertain the state of the votes between Wheeler and Granger.

3d. Subpœnas for the following witnesses, to establish the correctness of the conduct of the board, and to rebut the allegations in the petition and affidavits, &c.

Saratoga County, ss.

The following persons whose names are hereunto subscribed, being severally sworn or affirmed, depose and say, that they did each one for himself, during the election held in the town of Greenfield, in said county, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot, containing the name of Howell Gardner, for elector; which said ballot was received by the said board to be inserted in the ballot box; and further these deponents say not.

his
Charles ⋊ Bently,
mark.
Stephen Robinson,
Jesse Bowen,
Wm. G. Deak,
David Billing,
Benjamin C. Deake,
Alvah Dake,
Henry Barton,
Morgan Donham,
John Moon,
John E. Dake,
Simeon Schouten,
Charles Deake,
Wm. M. Nutt,
Arnold Mann,
Nedebiah Hammon,
Charles D. Rogers,
Joseph Stedman,
his
David ⋊ Halleck,
mark.
John Stedman,
Moses Hewit,
William Mitchell,
Stephen Medbery,
Erasmus D. Ambler,
his
Ruluf ⋊ Devoe,
mark.
his
Simon ⋊ Paige,
mark.
John Page,
Joel B. Gardner,
Cyrus Williams,
Lawrence Lansing,
Benjamin Paddelford,
Robert Haladown,
Benjamin Deake,
Isaac D. Young,
Peter Dubois,
William Donham,
his
Daniel ⋊ Thayer,
mark.
Henry C. Weed,
Daniel W. Baily,
Josiah Goodspeed,
his
Jacob J. ⋊ Vanderwerker,
mark.

Henry Whipple,
Nahum Humes,
David Bennet,
Amos Conklin,
John Emigh,
Lewis King,
Jesse Thornton,
Ezra Scofield,
Harris Smith,
Isaac Hallock,
Harman G. Sweney,
Stephen W. Hammon,
Barney Bixby,
Silvester West,
Arza Stone,
Allen C. Doughty,
Rowland Curtis,
his
Preston ⋊ Barber,
mark.
John Sackett Weed,
Gideon Barber,
Daniel Barber,
Joshua Judd,
Cornelius S. Allen,
Charles R. Dake,
Robert Service
Lemon Foot,
Platt C. Gilbert,
Wareham Williams,
Isaac Williams,
Theophilas Williams,
Israel Riddell
Stephen D. Williams,
Charles Waterman,
Ezra Mann,
Isaac S. Smith,
Stephen Ketchum,
John Armstrong,
John Weed,
A. G. King,
Benjamin C. Grenell,
William Locklin,
Alanson Ballou,
Benjamin Rose,
Otis Ballou,
Stephen Lennon,
Jerry D. Rowland,
William Bowen,
Darius W. Cole,
Robert Swan,
Cornelius Lansing.

Subscribed and sworn, or affirmed, the 16th day of December, 1828, before me,

JUDIAH ELLSWORTH, *Commissioner, &c.*

Ozial Stone,
Allen M. Medbery,
Thomas J. Porter,
Samuel Gregory,
Daniel Morehouse,
his
Luther ⋈ Brace,
mark.
Josiah H. Hill,
Dorastus Pettit,
Calvin Rounds,
David Hunter,
Demas Stone,
Samuel Potter,
John Riddell,
William R. Sherwood,
George Riddell,
John I. Rowland,
Isaac R. Russell,
Hezekiah Bowen,
Ashbell Day,
Rensselaer Ballou,
Daniel A. Bockes,
Russel Smith,
Isaac Brewster,
Alvin Day,
Eseck Williams,
Seth Tallmadge,
Hiram Bixby.

Subscribed and sworn the 17th day
of December, 1828, before me,
JUDIAH ELLSWORTH, *Commissioner, &c.*

Richard Hewitt,
John Hill,
Daniel Hill,
James H. Morris,
Robert Osburn,
Charles G. Pettit,
Joseph S. Streeter,
James Hill,
W. B. Close,
Jacob Karr,
his
Alvah ⋈ Karr,
mark.
his
John ⋈ Sharp,
mark.
Samuel J. Otis,
Walter Hewitt,
Alexander Hewitt,
Lewis Wescott,
Gideon Scofield,
James Congdon,
his
Joseph ⋈ Standish,
mark.
Talcott Hawley,
Thomas Carpenter,
Elijah Carpenter,
Calvin King,
Joshua Van Benschoten,
Daniel Scott,
James Tallmadge.

Subscribed and sworn the 18th day
of December, 1828, before
JUDIAH ELLSWORTH, *Commissioner, &c.*

Ammi Howe.

Subscribed and sworn the 19th day
of December, 1828, before me,
JUDIAH ELLSWORTH, *Commissioner, &c.*

Saratoga County, ss.

Davis Emigh, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, on the third, fourth and fifth days of November last, present and deliver a paper ballot to the board of inspectors of said election, containing the name of Howell Gardner for elector, which said ballot was received by said board to be inserted in the ballot box, and further this deponent saith not.

DAVIS EMIGH.

Sworn and subscribed this 24th day of December, in the year of our Lord 1828, before me,

CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Humphrey Brown, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said County, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot, containing the name of Howell Gardner for elector, which said ballot was received by the said inspectors, to be inserted in the ballot box; and further this deponent saith not.

his
HUMPHREY BROWN.
mark.

Sworn and subscribed by his mark this nineteenth day of December, 1828, before me,

CHARLES DEAKE, *Commissioner, &c*

Saratoga County, ss.

Harry Lincoln, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said county, on the third, fourth and fifth days of November last, present and deliver a paper ballot, containing the name of Howell Gardner for elector, to the board of inspectors of said election, which said ballot was received by said board to be inserted in the ballot box; and further this deponent saith not.

HARRY LINCOLN.

Sworn and subscribed before me this 27th day of December, 1828.

CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Sybrant Ackert, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, on the third, fourth and fifth days of November last, in said county, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by said board to be inserted in the ballot box; and further this deponent saith not.

SYBRANT ACKERT.

Sworn and subscribed before me this 27th day of December, 1828,

CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Ira Hewett, being duly sworn, deposeth and saith that he did, during the late election held in Greenfield, in the said county, on the third, fourth and fifth days of November last, present and deliver a paper ballot containing the name of Howell Gardner for elector, to the board of inspectors of said

election, which said ballot was received by said board, to be inserted in the ballot box; and further this deponent saith not.

his
IRA HEWETT.
mark

Sworn and subscribed this 27th day of
December, 1828, before me, by mark,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Andrew Ostrom, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said county, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot, containing the name of Howel Gardiner for elector, which said ballot was received by said board, to be inserted in the ballot box; and further this deponent saith not.

ANDREW OSTROM.

Sworn and subscribed this 22d day of
December, in the year of our Lord
1828, before me,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Gershom Morehouse, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by the said inspectors to be inserted in the ballot box; and further this deponent saith not.

GERSHOM MOREHOUSE.

Sworn and subscribed this 29th day of
December, 1828, before me,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Cephas Rose, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said county, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by said board to be inserted in the ballot box; and further this deponent saith not.

CEPHAS ROSE.

Sworn and subscribed before me this
27th day of December, in the
year of our Lord 1828.
CHARLES DEAKE, *Commissioner, &c*

Saratoga County, ss.

William B. Sprague, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said county, on the third, fourth and fifth days of November last, present and deliver a paper ballot containing the name of Howel Gardner for elector, to the board of inspectors of said election, which said ballot was received by said board, to be inserted in the ballot box; and further this deponent saith not.

Wm. B. SPRAGUE.

Sworn and subscribed before me this
27th day of December, 1828,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

William Selfridge, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, in said County, on the third, fourth and fifth days of November last, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by said board to be inserted in the ballot box; and further this deponent saith not.

WILLIAM SELFRIDGE.

Sworn and subscribed before me this
27th day of December, 1828,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Varnom Dake, of Greenfield, in said county, being duly sworn, deposeth and saith, that he did, during the late election held on the third, fourth and fifth days of November last, in Greenfield, in said county, present and deliver to the board of inspectors of said election, a paper ballot, containing the name of Howel Gardner for elector, which said ballot was received by the said board of inspectors to be inserted in the ballot box; and further this deponent saith not.

VARNOM DAKE.

Sworn and subscribed before me this
16th day of December, in the year
of our Lord 1828,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Caleb Crandell, of Greenfield, in said county, being duly sworn, deposeth and saith, that he did, during the late election held on the third, fourth and fifth days of November last, in Greenfield, in the said county, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by the said board of inspectors, to be inserted in the ballot box; and further this deponent saith not.

CALEB CRANDELL.

Sworn and subscribed before me this
13th day of December, in the
year of our Lord 1828,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

George G. Deake of Greenfield, in said county, being duly sworn, deposeth and saith, that he did, during the late election held on the third, fourth and fifth days of November last, in Greenfield, in said county, present and deliver to the board of inspectors of said election, a paper ballot containing the name of Howel Gardner for elector, which said ballot was received by the said board of inspectors to be inserted in the ballot box; and further this deponent saith not.

GEORGE G. DEAKE.

Sworn and subscribed before me this
16th day of December in the year
of our Lord 1828,
CHARLES DEAKE, *Commissioner, &c.*

Saratoga County, ss.

Abraham Weed, being duly sworn, deposeth and saith, that he did, during the late election held in Greenfield, on the third, fourth and fifth days of November last, present and deliver to the board of election of said town, a paper

ballot containing the name of Howel Gardner for elector, which said ballot was received by said board to be inserted in the ballot box.

his
ABRAHAM ⋊ WEED.
mark

Sworn and subscribed before me this
17th day of December, in the year
of our Lord 1828,
CHARLES DEAKE, *Commissioner, &c.*

We do solemnly swear that we did, at the late election held in the town of Greenfield, on the third, fourth and fifth days of November, 1828, present and deliver to the board of inspectors of election, for the said town, in the county of Saratoga, and state of New York, a paper ballot containing the name of Howel Gardner for elector, which said ballots were received by said board of inspectors to be inserted in the ballot box; and further these deponents saith not.

JOSEPH MORRIS,
NICHOLAS MOSHER,
SAMUEL D. MORRIS,
BENJAMIN CLOSE.

RICHARD HEWETT, *Commissioner.*

(No. 12.)

Certificate of the Inspectors of Election of the town of Greenfield, November, 1828.

We, the board of inspectors of elections for the town of Greenfield, in the county of Saratoga, do certify, that the following is a correct statement of the result of a general election, held in said town on the third, fourth and fifth days of November, in the year one thousand eight hundred and twenty-eight, viz:

Five hundred and seventy votes were given for the office of Governor:
Five hundred and sixty-eight votes were given for the office of Lieutenant-Governor:
Five hundred and fifty-four votes were given for the office of Senator:
Five hundred and seventy-six votes were given for Representative in Congress:
Five hundred and eighty-one votes were given for the office of Elector of President and Vice-President:
One thousand six hundred and eighty-one votes were given for the offices of Members of Assembly:
Five hundred and sixty-six votes were given for the office of sheriff:
Five hundred and sixty-three votes were given for the office of County Clerk:
Two thousand two hundred and thirty-eight votes were given for the office of Coroners:
Five hundred and thirty-two votes were given for the office of Justice of the Peace.

Of the votes given for the office of Governor,

Martin Van Buren received one hundred and fifty-seven votes,..... 157
Smith Thompson received for the same office, three hundred and ninety-nine votes, ... 399
Solomon Southwick received for the same office, fourteen votes,..... 14

Of the votes given for the office of Lieutenant-Governor,

Enos T. Throop received one hundred and sixty-two votes,..... 162
Francis Granger received for the same office, three hundred and ninety-one votes,..... 391
John Crary received for the same office, fifteen votes,..... 15

Of the votes given for the office of Senator,

Duncan Cameron received one hundred and sixty-six votes,..... 166
John McLean, Jun. received for the same office, three hundred and eighty-eight votes,..... 388

Of the votes given for the office of Member of Congress,

John Cramer received one hundred and eleven votes,..... 111
John W. Taylor received for the same office, four hundred and sixty-five votes,..... 465

Of the votes given for the office of Elector of President and Vice-President,

Howell Gardner received one hundred and eleven votes,..... 111
Salmon Child received for the same office, four hundred and seventy votes,..... 470

Of the votes given for the office of Members of Assembly,

Jesse Robertson received one hundred and sixty-nine votes,..... 169
Harvey Granger received for the same office, one hundred and fifty-nine votes,..... 159
Samuel Stimson received for the same office, one hundred and sixty-eight votes,..... 168
Gilbert Waring received for the same office, three hundred and ninety-five votes,..... 395
Joshua Mandeville received for the same office, three hundred and ninety-four votes,..... 394
Calvin Wheeler received for the same office, three hundred and ninety-five votes,..... 395
Francis Granger received for the same office, one vote,..... 1

Of the votes given for the office of Sheriff,

Hugh Hawkins received one hundred and forty-nine votes,..... 149
John Dunning received for the same office, four hundred and seventeen votes,..... 417

Of the votes given for the office of County Clerk,

Oran G. Otis received one hundred and twenty-seven votes,..... 127
Thomas Palmer received for the same office, four hundred and thirty-six votes,..... 436

Of the votes given for the office of Coroners,

Dirck L. Palmer received five hundred and fifty-seven votes,..... 557
Eliphalet St. John received for the same office, one hundred and sixty-three votes,..... 163
John Vernam received for the same office, one hundred and sixty-five votes,..... 165
Ira Heath received for the same office, one hundred and sixty-five votes, 165
Harmon Rockwell received for the same office, three hundred and ninety-six votes,..... 396
Hugh Alexander received for the same office, three hundred and ninety-four votes,..... 394

Nathan D. Sherwood received for the same office, three hundred and ninety-four votes, ... 394
John W. Taylor received for the same office, four votes, ... 4

Of the votes given for the office of Justice of the Peace,

John Prior received two hundred and fifty-eight votes,..... 258
Stafford Lapham received for the same office, two hundred and seventy-four votes,..... 274

In witness whereof, we have hereunto subscribed our names, this sixth day of November, in the year one thousand eight hundred and twenty-eight.

JONATHAN LAPHAM,
SOLOMON DAKE,
ADAM BOCKES, Jun.
HENRY MILLER,
SILAS GIFFORD,
Inspectors of Election
for the Town of Greenfield.

[*For Official Canvass, see* Table, (Sig. X.)]

SARA
n the fourth day of November, 1828,
ar
ongress, Clerk, Sheriff, Members of
A

[Sig. X.]

	BLY.		CORONERS.						
	[illegible] Granger.	Samuel Stimson.	Harmon Rockwell.	Hugh Alexander.	Dirk L. Palmer.	Nathan D. Sherwood.	Eliphalet St. John.	John Vernan.	Ira Heath.
Ballston									
Charlton	41	165	215	211	384	215	166	166	166
Clifton,	42	142	208	210	351	208	142	141	140
Concord	30	123	167	289	409	168	125	123	125
Corinth,	82	84	28	29	113	29	83	84	84
Edinbur	94	89	138	144	237	143	91	92	99
Galway,	20	104	99	138	232	105	95	94	94
Greenfie	20	224	261	247	476	250	226	226	224
Hadley,	59	168	396	394	557	394	163	165	165
Halfmod	19	19	123	122	400	122	19	19	17
Malta,	57	242	81	104	350	76	245	247	244
Milton,	96	85	160	177	264	154	88	94	86
Moreau,	20	218	269	264	487	206	232	221	221
Northum	43	135	126	140	229	111	132	132	129
Provide	71	155	109	117	271	100	155	155	155
Saratoga	15	147	154	156	285	153	128	128	128
Saratoga	64	64	224	313	289	225	65	64	64
Stillwate	09	184	135	148	333	136	189	186	186
Waterfo	22	199	226	226	447	226	199	200	199
Wilton,	74	151	82	85	262	81	157	171	155
	63	166	87	87	259	67	166	166	166
	31	3864	3279	3601	6375	3179	2911	2874	2847

No. 13.

OFFICIAL CANVASS.

SARATOGA COUNTY, ss.—Statement of the votes given at an election held in the said County, on the fourth day of November, 1828, and the two succeeding days, inclusive, for Governor, Lieutenant-Governor, Senator, Elector, Congress, Clerk, Sheriff, Members of Assembly, and Coroners.

[*Sig. X.*]

TOWNS.	GOVERNOR.			LT. GOVERNOR.			SENATOR.		ELECTOR.		CONGRESS.		CLERK.		SHERIFF.		MEMBERS OF ASSEMBLY.						CORONERS.						
	Smith Thompson.	Martin Van Buren.	Solomon Southwick.	Francis Granger.	Enos T. Throop.	John Crary.	John McLean, Junior.	Duncan Cameron.	Salmon Child.	Howell Gardner.	John W. Taylor.	John Cramer.	Thomas Palmer.	Oran G. Otis,	John Dunning.	Hugh Hawkins.	Gilbert Waring.	Joshua Mandeville.	Calvin Wheeler.	Jesse Robertson.	Harvey Granger.	Samuel Stimson.	Harmon Rockwell.	Hugh Alexander.	Dirk L. Palmer.	Nathan D. Sherwood.	Eliphalet St. John.	John Vernan.	Ira Heath.
Ballston,	210	158	14	215	156	13	213	159	218	169	211	164	243	144	245	14	199	209	204	207	141	165	215	211	384	215	166	166	166
Charlton,	209	144	5	211	144	2	211	145	207	145	209	139	208	144	213	139	209	209	210	144	142	142	208	210	351	208	142	141	140
Clifton,	165	132	113	162	126	120	165	131	227	163	237	147	169	242	215	196	291	287	179	126	230	123	167	289	409	168	125	123	125
Concord,	29	85	....	29	84	....	69	84	30	81	32	80	33	81	32	82	30	29	30	84	82	84	28	29	113	29	83	84	84
Corinth,	139	97	1	139	97	1	139	97	147	96	149	90	156	79	157	79	145	147	135	99	94	89	138	144	237	143	91	92	99
Edinburgh,	77	111	61	79	110	59	78	108	133	104	145	99	122	120	122	120	134	136	118	87	120	104	99	138	232	105	95	94	94
Galway,	253	223	3	254	224	1	253	235	265	218	260	218	307	168	262	211	248	250	258	223	220	224	261	247	476	250	226	226	224
Greenfield,	399	157	14	391	162	15	388	166	470	111	465	111	436	127	417	149	395	394	395	169	159	168	396	394	557	394	163	165	165
Hadley,	123	17	....	123	17	....	123	17	125	17	118	25	123	17	118	20	122	122	118	22	19	19	123	122	400	122	19	19	17
Halfmoon,	70	233	38	72	230	45	....	....	89	253	91	241	84	261	110	234	104	110	79	241	257	242	81	104	350	76	245	247	244
Malta,	159	89	14	158	89	14	156	96	163	97	170	90	168	95	171	91	161	179	163	100	96	85	160	177	264	154	88	94	86
Milton,	246	201	13	246	204	11	249	207	257	230	248	225	300	187	281	210	253	265	269	243	220	218	269	264	487	206	232	221	221
Moreau,	98	127	50	99	120	49	119	133	136	135	134	138	136	138	139	132	139	140	124	134	143	135	126	140	229	111	132	132	129
Northumberland,	90	150	25	90	149	27	93	150	109	157	101	167	101	172	126	147	115	114	101	154	171	155	109	117	271	100	155	155	155
Providence,	145	131	8	145	130	8	145	130	155	129	158	125	184	105	162	128	138	155	170	128	115	147	154	156	285	153	128	128	128
Saratoga,	216	63	102	214	65	102	238	66	258	90	251	107	224	152	235	145	290	311	227	65	164	64	224	313	289	225	65	64	64
Saratoga Springs,	122	185	25	120	187	24	125	188	137	189	143	183	152	183	153	174	145	150	134	182	199	184	135	148	333	136	189	186	186
Stillwater,	229	197	27	218	199	34	226	198	242	201	237	205	243	201	273	171	244	249	215	193	222	199	226	226	447	226	199	200	199
Waterford,	68	159	35	68	165	30	73	163	87	171	73	188	86	181	97	169	102	127	81	156	174	151	82	85	262	81	157	171	155
Wilton,	78	169	13	78	168	10	79	170	90	173	101	158	111	148	135	122	87	95	93	166	163	166	87	87	259	67	166	166	166
	3121	2828	561	3091	2832	566	3162	2623	3565	2929	3533	2900	3586	2945	3663	2862	3551	3678	3303	2923	3131	2864	3279	3601	6375	3179	2911	2874	2847

(APPENDIX D.)

(SEE JOURNAL OF FEBRUARY 12.)

Additional Documents in relation to the Election in the town of Greenfield.

Petition of Jonathan Lapham and others.

To the Honorable the Legislature of the State of New-York:

Your memorialists taking into consideration that the petition of Harvey Granger for a seat in your honorable body in the place of Calvin Wheeler, is predicated on the supposition of corruption or gross neglect in the board of inspectors of the late election in the town of Greenfield; and that to grant the prayer of said Harvey Granger, would, in the public estimation, go to convict the board of malconduct in the discharge of their official duties; taking also into consideration that the inspectors and others have been examined individually and apart by a committee of your honorable body—they therefore petition that the board may at least have the advantage of privileges which are not withheld from individuals arraigned of crimes and misdemeanors, to wit, the benefit of counsel and cross-examination. And to this end, pray that your honorable body would grant a commission authorising some competent person to come into the town of Greenfield, who shall be empowered to compel the attendance of all those persons who either made affidavits, or may be supposed to be able to give any information upon the subject of the late election of said town; and to permit your memorialists, through their counsel, to cross-examine the same individually and apart. And your memorialists, as in duty bound, will ever pray.

JONATHAN LAPHAM, *Supervisor.*
SOLOMON DAKE, *Town Clerk.*
SILAS GIFFORD,
ADAM BOCKES, Jun. } *Assessors.*
HENRY MILLER,

Jesse Munson's affidavit.

Saratoga County, ss.

I, Jesse Munson, of the town of Greenfield, do swear, that I was present at the house of Nehemiah Wing, on the sixth day of November last, where the inspectors of the election were canvassing the votes of the late election, which was held on the 3d, 4th and 5th days of November last; and that after the electoral box was canvassed, and the result known, Alvah Dake stated to me in the room where the inspectors were convened, that he knew he could get more than one hundred and eleven men to swear they voted for Howell Gardner for elector.

JESSE MUNSON.

Subscribed and sworn to, this 31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Loren Higby's affidavit.

Saratoga County, ss.

I, Loren Higby, of the town of Greenfield, in said county, do swear, in the presence of Almighty God, that I was present at the house of Nehemiah Wing, inn-keeper, on the sixth day of November last, when and where the inspectors of the late election met to canvass the votes of said town; and immediately after the canvass of the electoral votes of said town, and the result was known, I heard Alvah Deak say, that he could get more men to swear that they voted for Howell Gardner for elector, than that the board of election had canvassed for him, and that he would get one hundred and fifty to swear that they had voted for said Howell Gardner.

LOREN HIGBY.

Subscribed and sworn to this 31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

The deposition of Caleb M. Hoyt.

Saratoga County, ss.

I, Caleb M. Hoyt, of the town of Greenfield, in said county, do swear, in the presence of Almighty God, that I was present on the second day of the late election held in the town of Greenfield, at the dwelling-house of John Page, inn-keeper, and had a conversation with Stephen Lennon respecting his voting. The said Stephen then stated that he should not vote for Howell Gardner as an elector for president, and showed me his tickets—they were all Jackson tickets; and the electoral ticket, the name of the elector was cut off, leaving the name of John Cramer as a member for congress: we both stood nigh the inspectors when this discourse took place; the said Stephen Lennon then folded his votes and turned to the inspectors, and handed the identical votes to the inspectors in my presence. He, the said Stephen, afterwards told me that he actually voted the same tickets that he showed me. I afterwards understood that the said Stephen Lennon had signed a paper that he had voted for Howell Gardner as an elector. In that conversation, the said Stephen did state that he voted for Gardner as an elector, and stated also that he did vote all the tickets that he showed me; he also stated how he did vote the electoral ticket —that the name of Howell Gardner that was cut off, he folded in a piece of paper, and handed also to the inspectors a short time afterwards.

CALEB M. HOYT.

Subscribed to and sworn, this 25th day of December, 1828, before me,

ELIHU WING, *Justice of the Peace.*

Affidavit of Joseph Wood, Jun.

Saratoga County, ss.

I, Joseph Wood, jun. of the town of Greenfield, in said county, do swear, in the presence of Almighty God, that I was one of the clerks who kept the poll list of the late election held in the said town, and I have no knowledge or recollection that the inspectors, or either of them, received any vote or votes from any elector who was challenged or objected to, unless the challenge was withdrawn, or the objection waived, or the said elector took the oath required by law; and if any such circumstance had taken place, I think I should have known the same.

JOSEPH WOOD, Jun.

Subscribed and sworn to, this 31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Oath of Board of Inspectors.

Saratoga County, ss.

We, Henry Miller and Solomon Dake, two of the inspectors of election in and for the town of Greenfield, and acted as such at the late election held on the 3d, 4th and 5th days of November last, do swear, that on the last day of said election, Oran Hathorn did present to the board a ballot to be inserted in the box, and at that time John E. Dake suggested that the said Oran was not a legal voter, and requested that his case might be inquired into; and on examination it appeared that the said Oran had been employed by Messrs. Richard and Isaac Fink, inhabitants of Milton, to get out staves for them, and he had been engaged in their service at getting out the said staves; and it appeared that the said Oran while engaged in their service, hired his board in the town of Greenfield, and had his washing done in Greenfield; and that the timber which he worked into staves, was on land situated in Greenfield; and that on the developement of the above facts, John E. Dake expressed his satisfaction that the said Oran was a legal voter, and observed that he only wanted the board should be satisfied; and further than the above there was no challenge or objection made by any person against the said vote being received, and accordingly the said vote was inserted in the ballot box.

HENRY MILLER,
SOLOMON DAKE.

Subscribed and sworn to, this 31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Saratoga County, ss.

We, Jonathan Lapham, Solomon Dake, Henry Miller, Silas Gifford and Adam Bockes, jun. do solemnly swear, that we were the inspectors of election for the town of Greenfield, at the election held in said town on the 3d, 4th and 5th days of November last, and that there was no elector challenged or objected to that was permitted by us to vote, unless the said challenge or objection was withdrawn or waived, or said elector took the oath required by law in such cases made and provided.

JONATHAN LAPHAM,
SILAS GIFFORD,
ADAM BOCKES, Jun.
HENRY MILLER,
SOLOMON DAKE.

Sworn and subscribed to, this 21st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Affidavit of Prince Wing, 2d.

Saratoga County, ss.

I, Prince Wing 2d, of the town of Greenfield, in said county, do solemnly declare and affirm, that I tended the store of Solomon Dake, in said town of Greenfield, during the late election in said town; the said Solomon Dake being one of the inspectors of seid election: and that the ballot boxes were brought into the store by the said Solomon Dake, and locked up in the store, when I, together with the said Solomon Dake, left the store in the evening, and the said Solomon took the key of said store, and went to the house, a few rods distance from the store; and we took supper, and I went into the chamber of the house, and went to bed; and in the morning, I, with the said Solomon Dake, went to the store together, and found the boxes in the same position as they appeared in the evening previous; this was on the evening of the first day of election; and on the evening of the last day of said election, the said Solo-

mon Dake brought the boxes, and put them intothe store as before, and I, with Solomon Dake, was in the store until between nine and ten o'clock in the evening, when there was a number of persons in the store previous; when they all dispersed, the said Solomon Dake and myself left the store together, and the said Solomon Dake locked the door, and took the key, and we went into the house, and I went into the chamber to bed; and in the morning I got up, and took the key and went into the store; and while I was opening the window shutters, the said Solomon Dake came to the store; and that I was not in the store at any time alone with the ballot boxes, but that Solomon Dake, or some other person, was present; and that I never, at no time during said election, touched either of the ballot boxes or their contents, or do I know any other person or persons directly or indirectly meddling with the said ballot boxes or the votes therein.

PRINCE WING, 2d.

Affirmed and subscribed to, this 31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Lewis Scott's Affidavit.

Albany County, ss.

I, Lewis Scott, of the town of Greenfield, Saratoga county, and state of New-York, do solemnly and sincerely swear, that I was present, on the 17th day of last December, at the inn of Seth Austin, in the aforesaid town, when Judiah Ellsworth was taking affidavits of persons, testifying they voted for Howell Gardner for elector; when and where I heard the said Ellsworth publicly state, that he did not think, that if any deponent should testify falsely, it would subject him or them to the penalties of perjury; and at times did state the same in the presence of deponents who were about to take the oath they voted for the said Howell Gardner for elector; and this deponent further saith, that he verily believes, that at the time the said Ellsworth made the above statements, Alvah Dake was present and heard the same.

LEWIS SCOTT.

Sworn before me, this 3d day of February, 1829.

JOHN W. CUSHMAN, *Commissioner, &c.*

Henry Perry's Affidavit.

Saratoga County, ss.

I, Henry Perry, of the town of Saratoga Springs, in the county of Saratoga, late of Greenfield, do solemnly swear in the presence of Almighty God, that during the summer and fall of 1828, I was an inhabitant of the town of Greenfield, and lived near the store of Solomon and Alvah Dake in said town; and that in the latter part of September last, I was in the aforesaid store, together with Daniel Wing of said town, when and where a conversation took place between Solomon Dake and Alvah Dake, as to the probable majority the said town of Greenfield would give for the Adams ticket at the approaching election in November following; when Alvah Dake observed, that it would make no difference what the majority of Greenfield would be, as it respected the result in the county, for the votes of Greenfield would be lost; that the election of said town would be overthrown, and that he would use his exertions to overthrow the same. And I further state, that I was present at the canvass of the votes of said town, and immediately after the electoral box was canvassed, in presence of the inspectors, I heard Alvah Dake say, that he could and would get more men to swear they voted for Howell Gardner for elector, than the board had canvassed votes for him, or that he could get more than one hundred and fifty to swear they voted for Howell Gardner for elector.

HENRY PERRY.

Subscribed and sworn, this 31st day of January, 1829, before me,

THOMAS I. MARVIN, *Commissioner, &c.*

Joseph Daniels' Affidavit.

Saratoga County, *ss.*

I, Joseph Daniels, of the town of Greenfield, in said county, do swear in the presence of Almighty God, that I was present at the late election in said town of Greenfield, at the inn of Seth Austin, on the last day of said election, and was present when Oran Hathorn presented his votes to the board of inspectors; and John E. Dake asked the question, if the said Oran Hathorn was a legal voter; I observed, that I knew he, the said Oran Hathorn, was a legal voter, which appeared to satisfy the inquiry of the said John E. Dake; and I know that there was no objection further, and that there was no challenge made by any person to prevent the said Oran Hathorn from voting; if there had been, I must have heard the same: and further, I am intimately acquainted with the said board of inspectors, and fully believe that all and every one of said inspectors are honest and discreet.

JOSEPH DANIELS.

Sworn and subscribed to, this 31st day
of January, 1829, before me,
STAFFORD LAPHAM, *Commissioner*, *&c.*

Oran Hathorn's Affidavit.

Saratoga County, *ss.*

I, Oran Hathorn, of the town of Greenfield, do solemnly swear, that I did, on the last day of the election which was held in November last, in the town of Greenfield, present to the inspectors of said election, a ballot, to be inserted in the ballot box; when John E. Dake asked the question if I was a legal voter; and by being informed by Capt. Joseph Daniels, that he knew me, and knew where I had lived during the past summer, the said John E. Dake expressed a satisfaction that I was a legal voter; and there was no objection raised by any other one to my voting, and no challenge to my knowledge, and accordingly my votes were received and inserted in the ballot box.

ORAN HATHORN.

Subscribed and sworn to, this
31st day of January, 1829, before me,
STAFFORD LAPHAM, *Commissioner*, *&c.*

Affidavit of Edson Stone, and others.

Saratoga County, *ss.*

We, Edson Stone, Timothy Sisson, Oliver C. Bosworth, Potter Johnson and Lewis Scott, do solemnly swear in the presence of Almighty God, that we were present at the house of Nehemiah Wing, on the sixth day of November last, when and where the inspectors met to canvass the votes of the last election; and immediately after the canvass of the electoral box, and the result was known, we, and each of us, heard Alvah Dake say that he could get more men to swear they voted for Howell Gardner for elector, than the board had canvassed votes for him, and exclaimed, by God he would; and that frequently, during the course of that day, he, the said Alvah, made the like or similar declarations, that he could get one hundred and fifty, or more, to swear that they voted for Howell Gardner for elector.

EDSON STONE,
POTTER JOHNSON,
TIMOTHY SISSON,
LEWIS SCOTT,
OLIVER C. BOSWORTH.

Subscribed and sworn to, this
31st day of January, 1829, before me
STAFFORD LAPHAM, *Commissioner*, *&c.*

The last deponent swears the above deposition is true, to the best of his knowledge, except he does not recollect to have heard Alvah Dake state the number of one hundred and fifty.

Elihu Wing's Deposition.

Saratoga County, ss.

I, Elihu Wing, of the town of Greenfield, do solemnly and sincerely declare and affirm, that I was present at the canvass of the votes at the late election in November last, and that immediately after the canvass of the electoral box, and in the room where the inspectors were convened, I heard Alvah Dake say, that he could get more men to swear they voted for Howell Gardner for elector, than the board had canvassed votes for him; and at the same time exclaimed, by God he would.

ELIHU WING.

Subscribed and affirmed to, this
31st day of January, 1829, before me,

STAFFORD LAPHAM, *Commissioner, &c.*

Saratoga County, ss.

I, Elihu Wing, of the town of Greenfield, do solemnly declare and affirm, that I, as a spectator, was present at the canvass of the late election in said town, in opening the ballot box containing the votes for elector of president and vice-president, and votes for member of congress—on opening the same, there appeared that several votes, where the name of Howell Gardner was erased; and a number of the votes, the elector's name was cut entirely off; and also ballots to the number of sixteen, the name of Howell Gardner was erased, and Salmon Child inserted on the same ballot; and also as to the member of congress, the name of John Cramer was erased, and John W. Taylor inserted in a number of cases.

ELIHU WING.

Subscribed and affirmed before
me, the 25th day of December, 1828.

JOHN PETTIT, *Justice Peace.*

(APPENDIX E.)

DOCUMENTS

Accompanying the Annual Report of the Superintendent of Common Schools.

(MADE TO THE ASSEMBLY, FEBRUARY 6, 1829.)

(A.)

ABSTRACT from the Returns of Common Schools of the several Towns and Counties in the State of New-York, for the year 1828.

COUNTIES.	Towns from which returns have been received.	Whole No. of school districts in said towns.	Number of districts from which returns have been received.	Average No. of months a school has been kept therein during the year.	Amount of public money received in said districts, as stated in said returns, during the year.	Number of children taught therein during the year, as stated in said returns.	Number of children between the ages of 5 and 15 years, residing therein, as stated in said returns.
ALBANY, ...	City of Albany, ...	1	1	12	1488 00	1175	
	Bethlehem, ...	26	26	9	699 54	1380	1792
	Berne, ...	22	22	8	434 16	1107	1121
	Coeymans, ...	15	14	8	329 86	788	888
	Guilderland, ...	11	11	10	300 40	561	739
	Knox, ...	12	12	6	274 92	656	639
	Rensselaerville, ..	21	19	8	428 34	1034	912
	Watervliet, ...	14	14	8	442 36	640	1013
	Westerlo, ...	22	22	8	414 00	1000	1015
		144	140	9	4831 58	8341	8119
ALLEGANY, ...	Allen, ...	8	6	5	134 38	347	304
	Alfred, ...	10	8	6	202 08	376	284
	Almond, ...	17	16	6	255 75	738	829
	Andover, ...	8	5	4	75 00	125	179
	Angelica, ...	9	9	5	187 08	359	311
	Burns, ...	5	5	6	120 00	218	193
	Bolivar, ...	5	4	7	57 67	112	114
	Caneadea, ...	7	6	6	102 09	201	174
	Centerville, ...	7	7	6	227 16	407	281
	Cuba, ...	9	7	8	124 32	421	313
	Eagle, ...	9	8	4	107 03	274	211
	Friendship, ...	11	8	6	209 52	417	408
	Grove, ...	9	9	4	130 16	306	323
	Haight, ...	5	5	5	69 96	144	151
	Hume, ...	5	5	6	112 62	221	216
	Independence, ...	8	8	5	169 76	261	215

	Nunda, ...	6	5	7	121	89	330	297
	Belfast,.....	8	8	4	103	90	275	181
	Ossian,.....	6	5	7	143	34	333	257
	Pike, ...	11	11	8	284	04	723	526
	Portage,.....	9	8	8	278	73	685	494
	Rushford,.....	10	8	6	233	43	343	233
	Scio,.....	8	6	4	140	52	240	252
		190	167	6	3589	43	7856	6736
Broome, ...	Chenango, ...	20	16	8	342	47	820	848
	Colesville, ...	12	12	8	287	36	711	504
	Conklin, ...	7	7	4	78	16	226	267
	Lisle, ...	28	28	8	521	55	1512	1232
	Sanford, ...	6	6	5	125	85	251	252
	Union, ...	13	13	6	206	08	656	599
	Vestal.	5	5	7	94	74	237	260
	Windsor, ...	18	17	7	237	42	689	578
		109	104	7	1893	63	5102	4540
Cattaraugus, ...	Ashford, ...	5	2	6	51	03	43	27
	Cold Spring, ...							
	Connewango,.....	11	8	6	95	52	319	287
	Ellicottville, ...	3	3	3	70	53	161	123
	Farmersville,.....	6	6	6	78	70	306	213
	Franklinville, ...	7	4	7	97	05	246	218
	Freedom.....	8	8	6	178	98	336	298
	Great Valley, ...	5	4	5	70	14	123	130
	Hinsdale,.....	8	4	6	74	04	132	122
	Little Valley,.....	12	7	5	85	34	183	143
	Machias, ...	5	5	4	79	44	188	156
	Napoli,.....	6	5	6	82	22	207	173
	Olean, ...	3	3	9	49	98	180	196
	Otto,.....	13	7	6	82	08	273	203
	Perrysburgh,.....	11	11	7	158	14	573	475
	Randolph, ...	4	4	6	61	80	164	134
	Yorkshire, ...	4	4	6	79	44	219	187
		111	85	6	1394	43	3683	3085
Cayuga, ...	Auburn, ...	6	6	9	388	18	472	752
	Aurelius, ...	13	13	8	300	70	797	779
	Brutus,.....	8	8	9	300	00	584	536
	Cato, ...	11	11	6	194	07	48	532
	Conquest, ...	7	7	6	164	89	436	440
	Fleming, ...	7	7	8	197	23	489	468
	Genoa,.....	15	15	8	759	97	916	799
	Ira,.....	12	12	8	252	86	823	650
	Ledyard, ...	14	14	9	501	07	602	679
	Locke,.....	19	18	7	451	74	1174	995
	Mentz,.....	16	15	8	603	71	1123	1171
	Owasco,.....	6	6	9	199	06	343	409
	Scipio, ...	16	16	8	567	60	1093	863
	Sempronius, ...	29	29	7	864	54	1883	1681
	Sennet,.....	14	14	7	477	92	1129	1046
	Springport, ...	8	8	7	288	59	508	481
	Sterling,.....	9	9	7	133	56	453	376
	Venice, ...	13	13	8	486	14	728	700
	Victory, ...	10	9	7	237	95	551	523
		233	230	8	7369	78	14585	13880

Chautauque, ...	Busti, ...	13	13	6	220	35	499	398
	Carroll, ...	7	7	5	124	93	310	264
	Chautauque, ...	15	14	5	264	09	564	572
	Clymer, ...	6	4	5	57	25	131	146
	Ellery, ...	13	13	6	224	01	700	502
	Ellicott, ...	10	10	6	181	80	437	377
	Ellington, ...	11	11	5	152	90	422	298
	Gerry, ...	11	11	6	214	74	528	443
	Hanover, ...	15	14	7	328	49	947	765
	Harmony, ...	10	9	4	171	78	462	415
	Mina, ...	10	8	5	104	02	300	262
	Pomfret, ...	20	19	7	490	71	1199	941
	Portland, ...	16	15	6	369	15	816	635
	Ripley, ...	17	12	7	224	96	658	591
	Sheridan, ...	10	10	7	249	64	459	496
	Stockton, ...	11	10	6	172	06	406	309
	Villenova, ...	12	9	6	105	85	398	334
		207	189	6	3656	73	9236	7748
Chenango, ...	Bainbridge, ...	19	18	7	344	81	1145	841
	Columbus, ...	11	11	6	395	03	624	531
	Coventry, ...	10	10	8	245	89	467	417
	Guilford, ...	17	17	7	337	80	855	738
	German, ...	8	8	6	96	02	329	273
	Greene, ...	20	19	7	337	50	1051	818
	Lincklaen, ...	10	10	7	232	20	518	371
	Macdonough, ...	9	9	7	354	80	388	343
	New-Berlin, ...	19	17	7	311	91	1002	792
	Norwich, ...	26	25	5	414	36	1261	1079
	Otselic, ...	10	10	7	365	52	398	335
	Oxford, ...	21	19	8	391	56	989	764
	Pharsalia, ...	8	8	6	198	74	375	306
	Pitcher, ...	8	8	7	185	16	521	347
	Plymouth, ...	13	13	6	328	22	873	518
	Preston, ...	10	10	6	226	58	443	383
	Sherburne, ...	18	18	8	423	60	826	707
	Smithville, ...	10	10	6	230	42	593	606
	Smyrna, ...	13	13	7	269	42	573	504
		260	253	7	5689	54	13231	10673
Clinton, ...	Beekmantown, ...	12	12	6	280	59	598	578
	Champlain, ...	10	10	7	338	52	430	666
	Chazy, ...	14	13	7	444	63	822	829
	Mooers, ...	8	8	5	167	78	287	296
	Peru, ...	20	19	8	741	65	1288	1207
	Plattsburgh, ...	19	18	8	696	51	1171	1287
	Saranac, ...	2	2	6	36	71	108	98
		85	82	7	2706	39	4704	4961
Columbia, ...	Ancram, ...	14	14	9	386	76	937	856
	Austerlitz, ...	17	17	8	278	02	756	687
	Canaan, ...	10	10	9	253	38	634	511
	Chatham, ...	17	17	9	420	18	1045	908
	Claverack, ...	13	13	10	367	48	713	827
	Clermont, ...	7	7	10	211	98	238	379
	Copake, ...	9	9	8	202	82	421	505
	Germantown, ...	4	4	10	170	76	191	264

	Ghent, ...	15	13	9	283	34	944	648
	Hillsdale,.....	16	16	9	295	58	864	759
	Hudson,.....	5	5	10	152	47	454	358
	Kinderhook, ...	10	10	10	305	72	513	766
	New-Lebanon, ...	15	15	8	325	14	1120	704
	Livingston, ...	9	9	10	491	96	387	546
	Stuyvesant, ...	7	7	9	233	72	316	609
	Taghkanick, ...	8	8	9	209	46	466	656
		176	174	9	4588	77	9999	9983
Cortland, ...	Cincinnatus, ...	8	8	8	204	24	471	355
	Freetown, ...	7	7	7	108	22	539	305
	Harrison,.....	7	6	8	234	55	544	449
	Homer, ...	33	33	8	1007	00	2419	1995
	Preble,.....	9	9	7	282	73	530	445
	Scott,.....	8	8	7	221	06	486	371
	Solon,.....	14	14	7	298	28	663	531
	Truxton, ...	32	30	7	626	93	1464	1071
	Virgil, ...	22	22	7	472	22	1319	1178
	Willet, ...	6	5	7	71	76	205	185
		146	142	7	3526	99	8640	6885
Delaware,.....	Andes, ...	10	10	6	224	02	516	584
	Bovina, ...	8	8	6	154	40	420	392
	Colchester, ...	9	7	7	142	66	293	350
	Davenport, ...	12	12	5	205	50	571	507
	Delhi,.....	13	13	7	226	06	584	538
	Franklin,.....	18	17	7	296	56	847	778
	Hamden, ...	8	7	6	115	68	474	418
	Hancock.....	6	6	6	80	32	231	182
	Harpersfield, ...	12	12	8	241	49	644	532
	Kortright, ...	17	17	8	343	48	792	871
	Masonville, ...	9	9	6	96	27	317	265
	Meredith,.....	13	13	7	188	18	576	530
	Middletown, ...	15	15	6	261	32	696	729
	Roxbury, ...	17	16	8	364	24	1073	945
	Sidney,.....	9	9	7	140	68	448	413
	Stamford, ...	12	10	8	197	36	610	408
	Tompkins,.....	15	15	6	266	40	559	503
	Walton, ...	11	10	8	180	52	471	378
		214	206	7	3725	14	10122	9323
Dutchess, ...	Amenia, ...	12	11	9	268	10	605	571
	Beekman, ...	9	9	8	177	32	362	404
	Clinton, ...	11	10	8	225	96	444	468
	Dover, ...	13	13	7	271	96	596	611
	Fishkill,.....	27	27	11	855	70	1637	2178
	Freedom,.....	16	16	9	272	76	437	553
	Hyde-Park,.....	8	8	9	313	08	486	669
	Milan, ...	12	12	9	218	86	515	547
	Northeast,.....	11	11	8	197	50	626	400
	Pawlings,.....	10	10	9	215	76	442	437
	Pine Plains,.....	9	9	9	175	84	505	354
	Pleasant Valley, ..	11	11	9	310	06	629	690
	Poughkeepsie,.....	9	8	10	734	32	528	1523

	Redhook, ...	12	12	10	346 00	550	955
	Rhinebeck, ...	11	10	9	338 40	505	792
	Stanford, ...	14	13	9	304 74	775	647
	Union Vale, ...	6	5	8	196 14	271	346
	Washington, ...	12	12	8	343 41	590	595
		213	207	9	5765 91	10503	12740
Erie, ...	Alden, ...	6	6	6	147 28	334	288
	Amherst.	8	7	6	161 79	445	427
	Aurora, ...	11	11	8	213 68	802	655
	Buffalo, ...	12	9	7	636 12	846	1286
	Boston.....	8	8	6	184 01	410	320
	Clarence,.....	14	14	7	407 54	1124	848
	Colden, ...	5	5	7	46 39	127	105
	Concord, ...	17	12	6	270 99	499	464
	Collins.	17	16	6	301 95	741	627
	Eden.....	7	7	7	110 09	338	320
	Erie.....	13	12	6	255 06	565	527
	Evans, ...	10	7	6	125 49	297	293
	Hamburgh, ...	20	18	6	329 08	1022	927
	Holland, ...	10	10	5	186 92	516	358
	Sardinia, ...	10	10	5	176 49	376	356
	Wales, ...	9	9	7	210 54	607	419
		177	161	7	3772 42	9050	8220
Essex, ...	Chesterfield, ...	9	9	6	214 09	395	398
	Crownpoint,.....	12	12	6	213 80	693	570
	Essex, ...	9	9	7	159 36	526	434
	Elizabethtown, ...	7	7	6	127 30	337	316
	Jay, ...	9	9	7	150 23	538	434
	Keene,.....	5	5	6	135 88	260	224
	Lewis, ...	13	11	6	201 33	308	300
	Minerva, ...	4	4	4	68 85	142	124
	Moriah, ...	9	9	6	154 77	518	448
	Newcomb,*.....	1	1				21
	Schroon, ...	14	13	6	219 91	444	382
	Ticonderoga, ...	14	13	7	126 78	622	656
	Westport, ...	12	12	6	245 37	481	418
	Wilsborough,.....	12	6	8	144 26	430	326
	Wilmington,.....	5	4	8	78 82	208	166
		135	124	6	2343 75	5902	5217
Franklin,.....	Bangor, ...	8	8	7	168 90	301	272
	Brandon, ...	2	2	6		82	66
	Chateaugay, ...	12	11	7	255 75	454	417
	Constable,.....	8	8	6	218 41	343	374
	Dickinson,.....	3	3	7	62 67	95	109
	Duane,*.....						
	Fort-Covington, ..	15	13	7	398 71	627	718
	Malone, ...	12	12	7	303 66	650	534
	Moira, ...	5	5	6	91 88	210	170
		65	62	6	1499 38	2762	2660

* New towns.

Genesee, ...	Alabama, ...	3	3	4	50 00	90	94
	Alexander, ...	12	12	8	233 02	887	643
	Attica, ...	12	12	7	345 75	744	676
	Batavia, ...	15	15	6	619 98	999	1043
	Bethany.	14	14	8	308 22	1039	664
	Bergen, ...	9	9	8	165 20	548	422
	Bennington, ...	16	14	6	239 59	643	488
	Byron, ...	12	12	8	318 13	1129	585
	Castile, ...	14	10	8	295 06	570	507
	China.	14	13	7	292 19	632	588
	Covington, ...	18	17	8	452 04	947	792
	Elba, ...	13	12	5	217 90	863	640
	Gainesville, ...	11	11	7	241 32	684	595
	Le Roy, ...	18	17	8	549 94	1127	912
	Middlebury, ...	13	12	8	256 96	788	687
	Orangeville, ...	11	10	8	222 33	408	400
	Pembroke, ...	24	24	6	506 34	1332	1021
	Perry, ...	12	12	8	425 54	934	814
	Stafford, ...	13	13	7	297 42	921	718
	Sheldon, ...	9	9	7	230 82	644	551
	W r-aw.	14	14	8	357 16	927	713
	Wethersfield, ...	7	6	7	151 87	308	252
		284	271	7	6776 78	17164	13805
Greene, ...	Athens, ...	6	5	8	252 16	213	400
	Cairo, ...	14	14	7	326 88	785	797
	Catskill, ...	13	13	9	505 42	824	1418
	Coxsackie, ...	9	9	10	356 64	768	833
	Durham, ...	19	19	6	393 72	1512	1027
	Hunter, ...	13	13	7	272 28	535	432
	Greenville, ...	12	12	9	296 94	1003	955
	Lexington, ...	17	17	7	412 20	693	624
	New-Baltimore, ...	14	14	8	268 60	606	667
	Windham, ...	20	18	8	370 32	964	872
		137	134	8	3455 16	7903	8025
Herkimer, ...	Columbia, ...	13	13	8	269 72	758	707
	Danube, ...	14	14	8	405 20	868	992
	Fairfield, ...	16	16	8	313 64	776	700
	Frankfort.	13	12	7	265 76	778	687
	Germanflatts, ...	14	14	8	380 33	863	1011
	Herkimer, ...	16	16	9	395 68	1017	1058
	Litchfield, ...	9	9	8	210 46	559	478
	Manheim, ...	10	10	8	227 78	487	568
	Newport, ...	9	9	7	224 06	513	525
	Norway, ...	9	9	7	144 54	419	334
	Russia, ...	13	13	7	334 49	743	687
	Salisbury, ...	12	12	6	220 12	694	560
	Schuyler, ...	10	10	9	359 28	666	626
	Starks,*						
	Warren, ...	13	13	8	257 00	629	506
	West-Brunswick, .	5	4	5	63 74	162	169
	Winfield, ...	8	8	9	202 54	631	483
		181	181	8	4274 34	10563	10091

* Included in Danube.

JEFFERSON, ...	Adams, ...	13	13	8	300 37	906	870
	Antwerp, ...	19	16	7	280 74	708	641
	Alexandria, ...	11	11	6	286 19	450	421
	Brownville, ...	14	14	7	459 61	1004	914
	Champion.	13	13	7	378 10	892	681
	Ellisburgh.	28	26	7	588 74	1833	1523
	Henderson.	14	13	8	257 97	862	682
	Hounsfield, ...	13	12	8	371 30	865	890
	Le Ray, ...	15	15	8	474 54	1140	914
	Lorraine.	10	10	6	261 25	554	468
	Lyme, ...	18	14	7	476 73	629	593
	Orleans.	19	19	6	461 44	794	957
	Pamelia, ...	9	8	8	280 78	651	658
	Philadelphia, ...	8	7	7	101 62	294	251
	Rodman, ...	13	13	6	212 68	701	584
	Rutland, ...	13	13	8	260 07	778	600
	Watertown, ...	17	15	8	421 54	890	1125
	Wilna, ...	10	7	7	208 98	376	346
		257	239	8	6082 65	14327	13118
KINGS, ...	Brooklyn, ...	5	5	11	1335 00	760	2601
	Bushwick, ...	4	3	10	118 56	133	268
	Flatbush, ...	2	2	12	129 80	42	309
	Flatlands, ...	2	2	12	60 73	52	146
	Gravesend, ...	2	2	12	50 48	62	109
	New-Utrecht, ...	3	3	11	121 51	188	255
		18	17	11	1816 08	1237	3691
LEWIS, ...	Brantingham, ...	6	5	6	44 07	189	163
	Denmark, ...	12	12	7	246 10	703	628
	Lowville, ...	13	13	7	265 70	662	577
	Harrisburgh.	6	6	7	194 43	519	450
	Leyden.	11	11	6	171 51	442	369
	Martinsburgh, ...	15	12	8	241 26	678	676
	Pinckney, ...	9	7	6	128 09	336	245
	Turin, ...	21	18	8	397 03	811	751
	Watson, ...	5	3	6	84 90	77	79
		98	87	7	1773 09	4417	3938
LIVINGSTON, ...	Avon, ...	13	13	8	290 93	778	804
	Caledonia, ...	11	10	7	271 16	395	483
	Conesus, ...	7	7	8	173 75	391	465
	Geneseo, ...	10	10	8	407 30	781	765
	Groveland, ...	10	10	7	286 89	509	501
	Leicester, ...	13	12	8	327 78	737	614
	Lima, ...	9	8	9	217 94	457	467
	Livonia, ...	14	14	8	299 29	919	827
	Mount-Morris.	14	14	7	350 70	687	702
	Sparta, ...	16	16	8	404 89	1056	1074
	Springwater, ...	13	10	7	204 25	667	597
	York, ...	14	14	7	402 53	955	735
		144	138	8	3637 41	8335	8034
MADISON, ...	Brookfield, ...	26	24	7	830 23	1494	1259
	Cazenovia, ...	21	21	8	716 38	1302	1149
	De Ruyter, ...	5	5	7	175 49	443	394
	Eaton, ...	21	20	7	534 69	1432	1098

	Fenner, ...	12	11	8	358	74	769	630
	Georgetown, ...	7	6	6	242	80	356	303
	Hamilton, ...	16	16	8	432	64	1088	887
	Lebanon, ...	13	13	7	331	74	936	640
	Madison, ...	17	16	7	503	39	918	736
	Nelson, ...	15	15	7	538	27	888	701
	Smithfield.....	12	1	8	473	79	880	734
	Sullivan,.....	17	16	9	580	89	1053	1094
	Lenox, ...	22	22	8	802	86	1521	1437
		204	196	8	6521	91	13080	11062
Monroe, ...	Brighton, ...	18	11	9	804	17	1578	1630
	Chili, ...	13	12	8	337	96	729	639
	Clarkson.....	15	14	7	322	47	992	903
	Gates, ...	11	11	9	775	22	882	1385
	Greece.	12	12	8	286	05	633	625
	Henrietta, ...	12	12	8	396	74	867	732
	Mendon, ...	16	16	8	513	65	1027	863
	Ogden,.....	14	14	8	356	06	878	728
	Parma,.....	12	11	8	350	82	770	747
	Penfield, ...	20	20	8	506	83	1679	1406
	Perrinton, ...	13	13	7	405	11	913	769
	Pittsford, ...	8	8	8	325	19	519	509
	Riga, ...	13	13	8	322	78	725	581
	Rush, ...	9	9	9	356	79	719	654
	Sweden, ...	11	11	8	425	50	990	857
	Wheatland, ...	9	9	8	319	62	535	528
		206	196	8	6804	96	14436	13556
Montgomery, ...	Amsterdam,.....	19	19	8	388	31	847	1010
	Broadalbin,.....	15	14	8	296	45	765	696
	Canajoharie, ...	15	15	9	453	34	876	1201
	Charleston, ...	9	9	9	258	83	869	611
	Ephratah, ...	9	9	8	216	59	607	530
	Florida, ...	13	13	8	323	88	899	987
	Glen, ...	9	7	9	241	85	548	596
	Hope, ...	8	8	5	86	10	273	226
	Johnstown, ...	30	30	8	906	42	1667	2138
	Lake-Pleasant, ...	5	2	3	29	84	29	40
	Mayfield, ...	13	12	8	301	78	775	668
	Minden, ...	9	9	8	257	64	541	708
	Northampton, ...	12	12	6	166	26	700	390
	Oppenheim, ...	17	16	8	373	26	882	959
	Palatine, ...	9	9	10	279	52	450	820
	Root, ...	12	12	8	347	16	692	884
	Stratford,.....	5	5	5	54	18	189	162
	Wells, ...	3	3	5	67	14	108	124
		212	204	8	5048	55	11717	12750
New-York, ...				12	19968	48	6142	
Niagara, ...	Cambria, ...	8	8	7	153	13	506	412
	Hartland, ...	11	9	7	175	08	523	460
	Lewiston,.....	9	9	7	155	18	420	424
	Lockport, ...	14	10	8	371	58	771	870
	Newfane,.....	14	10	6	113	68	374	306
	Niagara,,.....	6	6	7	148	84	282	287

	Pendleton,	7	7	4	87	19	89	147
	Porter,	7	7	6	114	30	303	349
	Royalton,	15	15	7	304	12	902	805
	Somerset,	7	5	6	105	43	162	197
	Wilson,	9	5	6	88	08	160	146
		107	91	7	1816	61	4492	4403
Oneida,	Annsville,	10	8	8	216	19	385	376
	Augusta,	16	16	8	360	56	1079	899
	Boonville,	17	15	6	256	24	682	715
	Bridgewater,	9	9	8	283	27	578	478
	Camden,	11	11	6	271	05	570	508
	Deerfield,	17	17	5	456	05	1080	1084
	Florence,	9	9	5	125	80	288	281
	Floyd,	11	11	6	242	63	706	559
	Kirkland,	25	25	5	561	68	1423	1215
	Lee,	11	10	7	385	47	915	786
	New-Hartford,	13	13	8	371	36	939	904
	Paris,	15	15	9	280	86	820	717
	Remsen,	7	6	6	132	37	384	376
	Rome,	16	16	7	436	88	1203	1123
	Sangerfield,	12	12	7	329	61	749	599
	Steuben,	14	12	7	209	66	557	543
	Trenton,	20	19	7	282	28	980	934
	Utica,	1	1	12	623	56	215	1500
	Vernon,	16	16	8	347	30	991	868
	Verona,	23	21	7	528	94	1185	1050
	Vienna,	12	11	7	274	72	555	450
	Western,	17	17	8	406	44	839	770
	Westmoreland,	14	14	8	404	55	1063	918
	Whitestown,	10	9	9	371	34	764	905
		326	303	8	8158	81	18950	18558
Onondaga,	Camillus,	41	39	8	881	50	2704	2334
	Cicero,	9	9	6	358	86	482	451
	Clay,	12	10	6	229	15	626	587
	Fabius,	18	16	7	531	77	995	838
	Lysander,	14	14	8	408	47	920	873
	Manlius,	28	28	8	1123	80	1950	2008
	Marcellus,	33	33	8	1518	90	2326	1986
	Onondaga,	33	30	8	742	39	1693	1530
	Otisco,	11	10	8	386	42	732	542
	Pompey,	25	24	9	937	94	1614	1406
	Spafford,	9	9	7	253	90	652	503
	Salina,	9	9	8	492	24	1067	1348
	Tully,	9	9	8	274	72	858	489
	La Fayette,	13	13	8	537	40	887	775
		264	253		8673	46	17506	14470
Ontario,	Bloomfield,	21	19	8	457	62	1224	986
	Bristol,	21	21	7	334	46	1029	894
	Canandaigua,	21	20	8	528	97	1679	1530
	Farmington,	13	[illegible]	7	220	56	698	540
	Gorham,	17	17	8	371	69	1044	854
	Hopewell,	11	11	8	260	34	765	691
	Manchester,	13	13	7	327	23	968	865
	Naples,	10	9	6	170	13	426	415

	Phelps, ...	23	23	9	587 47	1766	1541
	Richmond.....	24	20	7	373 37	1051	974
	Seneca, ...	21	20	8	749 89	1413	1703
	Victor, ...	13	13	7	475 26	819	678
		208	198	8	4856 99	12882	11671
ORANGE, ...	Blooming-Grove,..	15	12	8	279 20	649	696
	Calboun.	6	6	10	180 28	522	457
	Cornwall, ...	10	8	9	186 83	493	689
	Crawford, ...	12	11	6	249 68	624	554
	Deerpark, ...	5	4	8	119 16	247	278
	Goshen.	14	14	10	373 90	861	931
	Minisink, ...	23	23	9	582 76	1485	1457
	Montgomery, ...	15	15	9	459 28	972	1141
	Monroe.....	13	13	7	394 18	629	1119
	Newburgh.....	13	13	10	720 26	1045	1923
	New-Windsor, ...	12	12	8	179 00	515	673
	Walkill.....	20	20	8	535 48	1242	1373
	Warwick,.....	28	22	9	573 46	1027	1366
		186	173	9	4833 47	10311	12657
ORLEANS, ...	Barre, ...	24	24	7	680 89	1513	1263
	Carlton, ...	14	9	4	87 22	327	290
	Clarendon.....	10	10	7	314 17	683	607
	Gaines,.....	9	9	8	192 87	628	497
	Murray, ...	14	14	8	271 10	800	756
	Ridgeway, ...	10	9	7	242 08	606	482
	Shelby, ...	12	10	7	238 10	614	547
	Yates, ...	10	9	6	185 55	369	328
		103	94	7	2211 98	5540	4770
OSWEGO, ...	Albion, ...	4	4	5	68 85	131	148
	Boylston, ...	3	3	4	65 14	199	178
	Constantia, ...	13	6	6	90 00	228	238
	Granby, ...	12	10	5	217 94	359	314
	Hannibal,.....	11	11	6	348 47	591	539
	Hastings, ...	10	8	5	161 46	458	883
	Mexico, ...	16	16	6	453 27	1024	956
	New-Haven.	8	8	6	150 70	551	448
	Orwell.....	5	3	5	72 38	144	130
	Oswego.....	9	8	5	309 82	471	546
	Parish,*						
	Redfield, ...	3	3	4	54 74	124	90
	Richland, ...	16	16	6	369 15	825	761
	Sandy-Creek, ...	9	9	6	299 73	682	630
	Scriba.....	14	10	6	198 76	509	455
	Volney, ...	24	19	6	440 22	909	888
	Williamstown,....	11	9	6	182 97	345	307
		168	143	5	3273 60	7550	6611
OTSEGO, ...	Burlington, ...	12	11	8	282 22	722	674
	Butternuts, ...	24	24	8	490 48	1329	1085
	Cherry-Valley.	22	22	8	479 32	1307	1236
	Decatur, ...	7	7	7	131 27	369	323

* Included in Mexico.

	Edmeston, ...	15	13	7	299 03	681	527
	Exeter, ...	8	8	7	196 52	558	428
	Hartwick, ...	15	15	8	324 78	918	713
	Huntsville, ...	9	7	7	127 54	361	290
	Laurens, ...	16	16	6	265 30	755	657
	Maryland, ...	11	11	6	215 40	666	566
	Middlefield, ...	21	20	7	354 91	1020	851
	Milford, ...	18	18	8	351 63	1026	932
	New-Lisbon, ...	13	13	7	257 96	773	683
	Otego, ...	10	10	7	188 95	683	521
	Otsego, ...	18	18	9	736 20	1513	1496
	Pittsfield, ...	8	8	7	168 54	291	260
	Plainfield, ...	10	10	7	202 42	649	501
	Richfield, ...	11	11	7	234 20	645	543
	Springfield, ...	14	14	8	318 22	866	857
	Unadilla, ...	12	12	7	235 70	522	562
	Westford, ...	8	8	7	184 12	526	457
	Worcester, ...	14	14	8	273 44	913	819
		292	290	8	6318 14	17093	14981
PUTNAM, ...	Carmel, ...	15	12	9	271 40	618	647
	Kent, ...	11	11	7	223 50	497	574
	Patterson, ...	11	11	8	194 50	492	447
	Philipstown, ...	21	18	7	546 62	779	1179
	Southeast, ...	14	13	9	233 86	638	564
		72	65	8	1469 88	3024	3411
QUEENS, ...	Flushing, ...	7	6	11	285 39	259	519
	Hempstead, ...	18	18	9	655 31	1011	1763
	Jamaica, ...	8	6	11	295 57	337	612
	Newtown, ...	8	5	11	302 03	230	524
	North-Hempstead,	9	9	10	380 58	454	804
	Oysterbay,*	19	19	9	809 63	1000	1540
		69	63	10	2728 51	3291	5762
RENSSELAER, ...	Berlin, ...	9	9	7	284 85	631	565
	Brunswick, ...	13	13	10	305 07	688	745
	Greenbush, ...	11	11	10	358 71	560	861
	Grafton, ...	10	10	5	196 16	478	541
	Hosick, ...	22	21	7	434 19	1474	1270
	Lansingburgh, ...	3	3	11	298 27	353	683
	Nassau, ...	13	13	9	361 89	1105	928
	Petersburgh, ...	16	16	5	257 45	724	616
	Pittstown, ...	17	17	9	461 17	1379	1206
	Sandlake, ...	20	19	8	418 66	1091	1104
	Scaghticoke, ...	13	13	10	359 97	837	911
	Schodack, ...	19	17	8	431 71	1028	1072
	Stephentown, ...	17	17	7	333 02	843	776
	Troy, ...	4	4	9	967 50	664	2238
		187	183	8	5468 62	11861	13716
RICHMOND, ...	Castletown, ...	7	7	10	177 88	315	685
	Northfield, ...	6	5	9	222 88	298	515
	Southfield, ...	5	5	10	123 72	145	272
	Westfield, ...	4	4	10	188 44	114	512
		22	21	10	711 92	872	1984

* $193 47, from rents of marsh in Oyster Bay.

Rockland, ...	Clarkstown, ...	9	9	10	231 46	428	584
	Haverstraw, ...	7	7	9	249 46	346	773
	Hempstead, or Ramapo, ...	9	9	7	292 92	590	691
	Orangetown, ...	8	8	10	189 15	338	469
		33	33	9	962 99	1702	2517
Saratoga, ...	Ballston, ...	12	12	9	229 14	689	584
	Charlton, ...	8	8	9	236 54	507	541
	Clifton,*						
	Corinth, ...	10	9	7	165 96	495	426
	Concord, ...	5	5	4	97 55	259	211
	Edinburgh, ...	12	12	6	196 72	611	419
	Galway, ...	17	17	8	309 94	685	726
	Greenfield, ...	21	20	7	408 00	950	912
	Hadley, ...	5	5	7	116 68	317	293
	Halfmoon, ...	21	21	9	523 60	1425	1324
	Malta, ...	8	8	9	187 80	545	456
	Milton, ...	12	12	10	339 74	901	845
	Moreau, ...	9	9	8	199 56	564	532
	Northumberland, .	10	9	8	128 92	435	448
	Providence, ...	9	9	6	189 86	322	410
	Saratoga, ...	11	11	8	248 84	669	645
	Saratoga-Springs, .	9	9	8	254 12	545	576
	Stillwater, ...	13	13	8	315 74	686	721
	Waterford, ...	2	2	11	162 88	208	315
	Wilton, ...	5	5	8	172 10	388	392
		199	196	8	4483 69	11201	10776
Schenectady, ...	Duanesburgh, ...	19	19	8	418 70	1093	1098
	Glenville, ...	12	12	8	292 60	684	816
	Niskayuna, ...	4	4	9	62 60	100	135
	Princetown, ...	6	6	8	128 92	280	318
	Rotterdam.	8	8	9	185 92	482	539
	Schenectady City,	3	3	6	27 96	92	152
		52	52	8	1116 70	3050	3058
Schoharie, ...	Blenheim, ...	10	10	8	231 32	654	605
	Broome, ...	21	17	8	384 94	1058	931
	Carlisle, ...	8	8	9	201 64	354	598
	Cobleskill, ...	13	13	9	340 41	759	829
	Fulton,†						
	Jefferson, ...	12	12	6	205 47	713	493
	Middleburgh, ...	24	24	7	546 20	1119	1476
	Schoharie, ...	23	21	8	555 25	1119	1276
	Sharon, ...	19	19	9	518 80	1076	1303
	Summit, ...	11	11	7	196 98	733	525
		141	135	7	3181 01	7585	8136
Seneca, ...	Covert, ...	12	12	8	532 34	706	607
	Fayette, ...	14	14	8	927 75	867	1155
	Junius, ...	30	30	8	795 47	1865	1960
	Lodi, ...	7	7	9	512 42	632	653
	Ovid, ...	12	11	9	916 14	852	840
	Romulus, ...	18	18	8	956 40	1251	1303
		93	92	8	4640 52	6173	6421

* Included in Halfmoon.
† Included in Cobleskill.

St. Lawrence, ...	Brasher, ...	7	4	5	74	40	205	257
	Canton, ...	14	14	7	449	05	704	708
	De Kalb, ...	10	9	6	159	50	362	297
	De Peyster, ...	6	6	6	145	24	288	242
	Edwards, ...	8	7	5	100	24	265	200
	Fowler, ...	10	10	5	199	29	400	389
	Gouverneur, ...	10	8	8	235	13	419	350
	Hammond, ...	7	6	5	98	00	204	166
	Hopkinton, ...	10	9	7	164	00	354	289
	Lawrence,*							
	Lisbon, ...	8	7	6	215	35	401	444
	Louisville, ...	8	7	7	160	35	278	252
	Madrid, ...	18	17	7	489	78	878	841
	Massena, ...	11	9	7	315	69	527	489
	Morristown, ...	12	9	6	191	79	413	365
	Norfolk, ...	6	6	7	183	55	323	271
	Oswegatchie, ...	12	12	7	581	46	784	893
	Parishville, ...	9	9	7	178	00	424	327
	Pierrepont, ...	5	5	7	103	59	238	182
	Potsdam, ...	26	23	7	655	33	1110	993
	Rossie, ...	5	3	5	64	45	97	112
	Russell, ...	7	7	5	97	07	228	169
	Stockholm, ...	16	14	6	268	92	569	423
		225	201	6	5130	18	9471	8659
Steuben, ...	Addison, ...	7	4	5	99	94	138	167
	Bath, ...	19	15	6	299	66	867	838
	Cameron, ...	7	7	5	102	57	225	200
	Canisteo, ...	7	4	6	51	79	172	188
	Cohocton, ...	17	17	6	264	75	825	732
	Dansville, ...	10	10	6	276	36	532	505
	Erwin, ...	4	4	5	110	70	225	238
	Greenwood, ...	10	7	5	48	93	88	116
	Hornby, ...	11	11	6	207	75	505	424
	Hornellsville, ...	7	7	8	126	41	331	338
	Howard, ...	12	12	6	316	05	740	670
	Jasper, ...	6	4	5	56	42	153	131
	Jersey, ...	14	14	6	330	36	656	650
	Painted-Post, ...	6	5	5	103	19	245	249
	Prattsburgh, ...	15	15	7	236	75	772	659
	Pulteney, ...	8	8	7	185	50	545	448
	Reading, ...	8	8	6	159	48	468	467
	Troupsburgh, ...	10	10	5	155	07	336	322
	Tyrone, ...	11	11	6	204	52	611	607
	Urbana, ...	10	7	5	119	52	321	305
	Wayne, ...	6	6	8	107	04	562	362
	Wheeler, ...	10	10	6	109	12	474	400
	Woodhull,†							
		215	196	6	3671	88	9791	9016
Suffolk, ...	Brookhaven, ...	33	28	8	663	93	1496	1489
	Easthampton, ...	7	7	9	191	14	326	348
	Huntington, ...	26	23	9	558	88	1403	1509
	Islip, ...	6	6	10	165	47	432	395
	Riverhead, ...	12	12	8	223	58	576	584
	Shelter-Island, ...	1	1	3	42	56	81	106

* Included in Hopkinton and Brasher.

† Included in Troupsburgh and Addison.

	Smithtown, ...	12	11	7	207 50	540	481
	Southampton, ...	20	19	8	560 63	888	1168
	Southold, ...	12	12	9	302 12	861	707
		129	119	8	2915 81	6603	6787
Sullivan, ...	Bethel, ...	16	11	4	248 13	383	400
	Cochecton,*						
	Fallsburgh, ...	10	9	5	147 09	436	353
	Liberty, ...	7	7	5	180 00	375	294
	Lumberland, ...	6	4	4	77 74	88	175
	Mamakating, ...	16	10	5	367 28	638	844
	Nevisink, ...	11	11	4	169 24	370	405
	Rockland, ...	9	9	6	102 84	283	208
	Thompson, ...	13	13	7	350 64	599	609
		88	74	5	1642 96	3172	3288
Tioga, ...	Barton, ...	6	6	4	88 69	175	175
	Berkshire, ...	11	11	7	260 55	561	437
	Bigflatts, ...	6	6	8	102 20	351	319
	Catlin, ...	12	8	7	205 05	321	265
	Cayuta, ...	5	5	6	97 99	248	153
	Candor, ...	17	16	6	375 04	813	683
	Catharines, ...	9	7	7	176 18	401	353
	Chemung, ...	11	8	6	213 42	304	341
	Elmira, ...	10	9	8	236 92	629	354
	Erin, ...	7	7	5	79 55	196	213
	Newark, ...	5	5	8	148 65	194	220
	Nichols, ...	8	8	8	117 47	403	333
	Owego, ...	15	14	7	419 31	821	743
	Southport, ...	6	6	8	206 71	364	353
	Spencer, ...	7	7	7	174 78	390	326
	Tioga, ...	6	6	7	161 30	347	402
	Veteran, ...	9	9	5	155 58	381	340
		150	138	7	3219 39	6899	6010
Tompkins, ...	Caroline, ...	12	12	7	394 92	823	713
	Danby, ...	14	14	8	440 22	786	755
	Dryden, ...	28	28	8	1002 54	1762	1670
	Enfield, ...	12	11	8	450 88	1039	660
	Ithaca, ...	14	13	8	782 80	932	1236
	Groton, ...	19	18	7	498 44	1311	1066
	Hector, ...	29	29	8	1938 15	1809	1543
	Lansing, ...	20	20	11	1106 07	1500	1269
	Newfield, ...	17	17	6	297 92	903	894
	Ulysses, ...	10	10	9	675 14	1115	971
		175	172	8	7587 08	11980	10777
Ulster, ...	Esopus, ...	7	6	9	193 83	317	426
	Hurley, ...	5	5	8	158 55	294	444
	Kingston, ...	11	11	6	379 24	562	859
	Marbletown, ...	14	13	8	320 18	610	903
	Marlborough, ...	10	10	8	287 20	626	751
	New-Paltz, ...	19	18	10	591 02	1010	300
	Olive, ...	7	7	7	137 95	309	496

* Included in Bethel.

	Plattekill, ...	10	9	8	249	24	553	588
	Rochester, ...	9	9	6	263	74	448	663
	Saugerties, ...	10	10	11	343	20	683	866
	Shandaken, ...	7	7	5	198	80	280	266
	Shawangunk, ...	14	14	8	431	98	725	1105
	Wawarsing, ...	12	12	7	210	02	460	725
	Woodstock, ...	7	6	8	168	77	325	411
		142	137	8	3933	72	7202	9803
WARREN, ...	Athol, ...	9	8	4	105	10	270	293
	Bolton, ...	13	9	6	153	46	478	397
	Caldwell, ...	6	6	8	111	76	285	244
	Chester, ...	9	9	5	152	12	377	291
	Hague, ...	7	6	6	76	68	213	209
	Johnsburgh, ...	9	9	5	119	38	365	292
	Luzerne, ...	12	9	6	111	02	410	333
	Queensbury, ...	24	20	7	346	02	945	852
	Warrensburgh, ...	10	7	4	139	57	339	326
		99	83	6	1315	11	3682	3237
WASHINGTON, ...	Argyle, ...	19	19	7	420	89	881	956
	Cambridge, ...	12	12	8	278	66	757	627
	Easton, ...	20	19	3	438	94	1067	875
	Dresden, ...	9	7	6	87	02	196	133
	Fort-Ann, ...	22	20	7	408	16	827	827
	Fort-Edward, ...	8	8	7	216	25	501	508
	Granville, ...	22	20	8	442	32	1231	1053
	Greenwich, ...	14	14	8	402	90	1124	1048
	Hampton, ...	7	7	7	161	26	324	287
	Hartford, ...	13	13	7	337	24	848	702
	Hebron, ...	22	21	7	348	38	950	793
	Jackson, ...	11	11	9	224	80	588	517
	Kingsbury, ...	12	11	8	256	72	852	715
	Putnam, ...	7	7	7	110	60	287	241
	White-Creek, ...	13	12	7	296	10	616	538
	Whitehall, ...	16	13	7	355	73	875	756
	Salem, ...	20	18	8	401	36	917	841
		247	232	8	5187	33	1284	11416
WAYNE, ...	Arcadia, ...	20	20	9	643	51	1293	1241
	Butler, ...	8	8	7	136	35	452	482
	Galen, ...	20	19	7	552	48	1326	1094
	Lyons, ...	13	12	7	567	50	868	1197
	Macedon, ...	12	12	7	234	28	706	624
	Ontario, ...	17	17	7	336	32	1364	994
	Palmyra, ...	12	11	8	321	68	709	804
	Port-Bay, ...	8	8	6	124	56	321	308
	Rose, ...	9	9	6	225	85	482	497
	Savannah, ...	4	4	7	80	00	162	171
	Sodus, ...	19	18	7	460	87	1009	998
	Williamson, ...	8	8	7	189	15	524	596
	Wolcott, ...	5	5	7	164	72	257	266
	Marion, ...	9	9	8	202	56	852	730
		164	160	7	4239	83	9316	10002

Westchester, ...	Bedford,.....	13	13	7	310 23	643	741
	Cortland,.....	13	13	7	408 71	639	866
	Eastchester, ...	4	4	11	154 23	181	263
	Greenburgh, ...	7	7	11	238 24	379	584
	Harrison,.....	5	5	10	119 71	144	244
	Mamaroneck, ...	2	2	11	98 23	145	268
	Mount-Pleasant, ..	13	13	9	431 81	743	1005
	New-Rochelle, ...	3	3	8	120 92	106	297
	Newcastle,.....	6	6	8	170 38	234	298
	Northcastle.	9	9	5	181 79	212	255
	North-Salem,.....	8	8	7	142 08	411	370
	Pelham, ...	1	1	5	16 69	22	49
	Poundridge,.....	8	8	8	171 90	459	397
	Rye,.....	5	5	11	80 57	242	385
	Scarsdale, ...	1	1	6	39 50	30	84
	Somers, ...	9	9	6	223 45	436	463
	South-Salem, ...	9	9	6	152 60	383	341
	Westchester, ...	4	4	11	260 19	407	592
	White-Plains, ...	4	4	10	78 64	102	222
	Yonkers, ...	5	5	6	184 82	297	336
	Yorktown, ...	7	7	9	242 49	411	501
		136	136	8	3827 18	6626	8561
Yates, ...	Barrington, ...	12	12	7	257 84	607	586
	Benton, ...	15	14	9	458 61	1150	1121
	Italy, ...	7	7	7	122 34	507	298
	Jerusalem,.....	14	14	7	378 00	741	746
	Middlesex,.....	16	14	7	370 02	958	974
	Milo, ...	16	16	8	402 40	948	940
	Starkey, ...	12	11	6	263 35	756	725
		92	88	7	2252 56	5667	5390

There are 55 organized counties in the state; 5 cities, and 729 towns: total 734 towns and cities, or 757 towns and wards in the state; all of which have made returns of the common schools, according to the provisions of the statute.

(B.)

Summary of the preceding Abstract, made from the Returns of Common Schools in the year 1828.

COUNTIES.	Number of towns and wards in each county.	Whole number of school districts in the towns which have made returns.	Whole number of school districts which have made reports.	Average number of months in which schools have been taught in the counties.	Amount of public money received in the districts (as stated in the returns) during the year.	Number of children taught in those school districts which have made reports.	Number of children between the ages of 5 and 15 years residing therein, as stated in said returns.
Albany,	13	144	141	9	$1831 58	8341	8119
Allegany,	23	190	167	6	3589 43	7856	6736
Broome	8	109	104	7	1893 63	5102	4540
Cattaraugus,	17	111	85	6	1391 43	3683	3085
Cayuga,	19	233	230	8	7369 78	14585	13880
Chautauque,	17	207	189	6	3656 73	9236	7748
Chenango,	19	260	253	7	5689 54	13231	10673
Clinton,	7	85	82	7	2706 39	4704	4961
Columbia,	17	176	174	9	4588 77	9999	9983
Cortland,	10	146	142	7	3526 99	8640	6885
Delaware,	18	214	206	7	3725 14	10122	9323
Dutchess,	18	213	207	9	5765 91	10503	12740
Erie,	16	177	161	7	3772 42	9056	8220
Essex,	15	135	124	6	2343 75	5902	5217
Franklin,	9	65	62	6	1499 38	2762	2660
Genesee,	23	284	271	7	6776 78	16756	13405
Greene,	10	137	134	8	3455 16	7903	8025
Herkimer,	17	184	182	8	4274 34	10563	10091
Jefferson,	18	257	239	8	6082 65	14327	13118
Kings,	6	18	17	11	1816 08	1237	3691
Lewis,	9	98	87	7	1773 09	4417	3938
Livingston,	12	144	138	8	3637 41	8335	8034
Madison,	13	204	196	8	6521 91	13080	11062
Monroe,	16	206	196	8	6804 96	13676	13556
Montgomery,	18	212	204	8	5048 55	11717	12750
New-York,	14			12	19968 48	6142	
Niagara,	11	107	91	7	1816 61	4492	4403
Oneida,	21	326	303	8	8158 81	18950	18558
Onondaga,	14	264	253	8	8673 46	17596	14470
Ontario,	12	208	198	8	4856 99	12882	11671
Orange,	13	186	173	9	4833 47	10311	12657
Orleans,	8	103	94	7	2211 98	5540	4770
Oswego,	17	168	143	5	3273 60	7550	6611
Otsego,	22	292	290	8	6318 14	17093	14981
Putnam,	5	72	65	8	1469 88	3024	3411
Queens,	6	69	63	10	2728 51	3291	5762
Rensselaer,	19	187	183	8	5468 62	11861	13716
Richmond,	4	22	21	10	711 92	872	1984
Rockland,	4	33	33	9	962 99	1702	2517
Saratoga,	20	199	196	8	4483 69	11201	10776
Schenectady,	7	52	52	8	1116 70	3050	3058
Schoharie,	10	141	135	7	3181 01	7585	8136
Seneca,	6	93	92	8	4640 52	6173	6421

St. Lawrence,	23	225	201	6	5130	18	9471	8659
Steuben,	23	215	196	6	3671	88	9791	9016
Suffolk,	9	129	119	8	2915	81	6603	6787
Sullivan,	9	88	74	5	1642	96	3172	3288
Tioga.	17	150	138	7	3219	39	6899	6010
Tompkins,	10	175	172	8	7587	08	11980	10777
Ulster,	14	142	137	8	3933	72	7202	9803
Warren,	9	99	83	6	1315	11	3682	3237
Washington,	17	247	232	8	5187	33	12844	11416
Wayne,	14	164	160	7	4239	83	9316	10002
Westchester,	21	136	172	8	3827	18	6626	8561
Yates,	7	92	88	7	2252	56	5667	5390
Total,	757	8609	8164	8	232343	21	468205	449113

(C.)

A Comparative View of the Returns of Common Schools, from 1816 to 1828 inclusive.

The year in which the report was made to the legislature.	Number of towns from which the returns were made.	Whole number of school districts in the said towns.	Number of school districts from which returns were received.	Amount of public monies received in the said towns.	Number of children taught in the school districts making returns.	Number of children between 5 and 15 years of age, residing in those districts.	Proportion of the number of children taught, to the number of children reported, between the ages of 5 and 15 years.
1816	338	2755	2631	$55720 98	140106	176449	4 to 15
1817	355	3713	2873	64834 88	170386	198440	6 to 7
1818	374	3264	3228	73235 42	183253	218969	5 to 6
1819	402	4614	3844	93010 54	210316	235871	8 to 9
1820	515	5763	5118	117151 07	271877	302703	9 to 10
1821	545	6332	5489	146418 08	304559	317633	24 to 25
1822	611	6659	5882	157195 04	332979	339258	42 to 43
1823	619	7051	6255	17[illegible]420 60	351173	357029	44 to 45
1824	656	7382	6705	182820 25	377034	373208	94 to 93
1825	698	7642	6876	182741 61	402940	383500	101 to 96
1826	700	7773	7117	182790 09	425586	395586	100 to 93
1827	721	8114	7550	185720 46	431601	411256	105 to 100
1828	742	8298	7806	222995 77	441856	419216	96 to 91
1829	757	8609	8164	232343 21	468205	449113	25 to 24

(D.)

Common School Fund.

This Fund consists of the following items:

Bonds and mortgages for school fund lands sold,			$201,611 65
do do for escheated lands in the military tract,			23,607 81
Balance due on loan of 1786,			30,095 21
do do 1792,			332,564 35
do do 1808,			426,303 54
Canal stock, bearing an interest of 5 per cent,			320,000 00
3600 shares in the stock of the Merchants' Bank,	$180,000 00		
1000 do do Manhattan Company,	50,000 00		
2000 do do Middle District Bank,	50,000 00		
			280,000 00
Money in the treasury, being balance of receipts from the capital,			70,446 24
			$1,684,628 80

To this fund also belong all the unappropriated lands owned by the state on the 1st of January, 1823, and yet remaining unsold.

The Revenue from this Fund is estimated as follows:

Interest on the loan of 1786,	$2,000 00
do do 1792,	20,000 00
do do 1808,	24,000 00
Interest on bonds taken for escheated lands,	1,200 00
do do school fund lands,	20,000 00
do on canal stock,	16,000 00
do on money in the treasury to be invested,	3,000 00
Probable receipts on account of debts for fees of the clerks of the supreme court,	1,000 00
Dividend on Merchants' Bank stock,	11,500 00
do Manhattan do	3,500 00
do Middle District do	3,000 00
	$105,200 00

(E.)

Local School Fund.

There are many towns in the state, in which the schools derive a most essential benefit from a local fund. This fund arises from the avails of land which was reserved in certain grants, for gospel and school purposes. The following is a list of the principal reservations of this nature, viz:

One lot of 550 acres in each of the 28 townships in the military tract.

Forty lots of 250 acres each in the 20 townships west of the Unadilla river, being 10,000 acres.

One lot of 640 acres in each of the townships of Fayette, Clinton, Greene, Warren, Chenango, Sidney and Camden, in the counties of Broome and Chenango.

Ten lots of 640 acres each in the townships along the St. Lawrence.

Sixteen lots of 640 acres each in Totten and Crossfield's purchase.

The local school fund which has become productive, is stated in the reports of the commissioners of the several towns as follows, viz:

Broome County.

Colesville—Received from trustees of school lands,.....	$68 88
Sanford—Received from school lands,.....	42 48
	$111 36

Cayuga County.

Auburn—Received from commissioners of public lands,.....	$19 22
Aurelius—Received from commissioners of public lands,.....	17 87
Cato—Received from gospel and school lands, ...	20 00
Conquest—Received from gospel and school lands,.	32 59
Fleming—Received from commissioners of public lands,.....	10 77
Genoa—Received interest on school fund, ...	418 97
Ira—Received from gospel and school lot.	32 86
Ledyard—Received interest on sale of lot No. 1, ...	218 54
Locke—Received from school lot,.....	89 84
Mentz—Received from public lands,.....	134 87
Owasco—Received for rent of public lands.	35 00
Scipio—Received interest from the sales of lot No. 1, ...	233 30
Sempronius—Received from commissioners of public lot, ...	200 00
Springport—Received from school lands, ...	59 00
Venice—Received from the town lot,.....	173 10
Victory—Received from gospel and school lands, ...	44 57
	$1740 50

Chenango County.

Bainbridge—Received from the school lands, ...	$245 57
Columbus—Received from school agent, ...	96 79
Received from collector in default in 1824,.....	106 59
Coventry—Received from town commissioners of public school lands,	62 15
Guilford—Received avails of school lot,.....	41 72
Macdonough—Received from the school fund,.....	89 89

Carried forward,

Brought forward,	
Otselic—Received from the agent of school lands.....	$126 00
Oxford—Received from school lot, ...	45 00
Pharsalia—Received from agent of school lands, ...	32 80
Plymouth—Received from school lot,.....	81 38
Preston—Received from Preston school fund, ...	75 14
Sherburne—Received interest on bonds and mortgages, ...	115 16
Smithville—Received from supervisor, ...	16 00
Smyrna—Received from agent of school fund, ...	73 92
	$1208 11

Cortland County.

Cincinnatus—Received from school lot, ...	$73 46
Homer—Received from commissioners of school lots,.....	240 75
Preble—Received from commissioners of public lands,.....	118 55
Scott—Received interest on school lot,.....	96 60
Solon—Received from rents of public lands.....	77 92
Truxton—Received from public lands, ...	215 53
Virgil—Received from town lot,.....	62 82
	$885 63

Madison County.

Brookfield—Received from agent of school lands, ...	$292 08
Eaton—Received from agent of school lands, ...	132 50
Georgetown—Received from agent of school lands,.....	113 62
Hamilton—Received from school agent, ...	70 00
Lebanon—Received from agent for school lands, ...	77 00
Madison—Received from agent for school lands, ...	145 57
Nelson—Received from school agent,.....	62 50
	$893 27

Onondaga County.

Cicero—Received from the public lot, ...	$210 50
Clay—Received from trustees of school lot, ...	69 00
Fabius—Received from trustees of public lot,.....	210 50
Manlius—Received from trustees of public lot,.....	380 82
Marcellus—Received from sale of public lot, ...	647 22
Otisco—Received from trustees of the town of Otisco,.....	156 04
Pompey—Received from trustees of public lot,.....	371 64
Spafford—Received from school fund, ...	74 50
Salina—Received from school lot, ...	18 00
Tully—Received from trustees of Tully,.....	102 74
La Fayette—Received from trustees of public lots,.....	245 58
	$2486 34

Oswego County.

Hannibal—Received from trustees of school lot, ...	$99 77
Oswego—Received from commissioners of school lot, ...	90 46
	$190 23

Queens County.

Oysterbay—Received from rents of marsh in Oysterbay,.....	$193 47

Seneca County.

Covert—Received from trustees of school lot,	$283 45
Fayette—Received from trustees of school fund,	539 26
Junius—Received from interest on mortgages,	71 75
Lodi—Received from trustees of school lot,	275 31
Ovid—Received from trustees of school fund,	501 06
Romulus—Received from the town fund,	445 62
	$2116 45

St. Lawrence County.

Potsdam—Received from trustees of public lands,	$77 77

Tompkins County.

Dryden—Received from trustees of school lot,	$405 02
Enfield—Received interest on school lot,	204 42
Ithaca—Received from trustees of school lot,	334 78
Groton—Received from public lot,	70 60
Hector—Received from trustees of town fund,	1324 85
Lansing—Received interest on bonds and mortgages,	591 63
Ulysses—Received from trustees of school lot,	299 48
	$3230 78

Aggregate, ... $13,133 91

(F.)

Amount paid for teachers' wages, over and above the public money apportioned to the same districts, and the number of districts inspected in each county.

COUNTIES.	Amount paid for teachers' wages, besides public money.	Public money paid to same districts.	Number of districts inspected.
Allegany,	$772 97	$979 08	46
Broome,	280 23	250 90	13
Cattaraugus,	559 21	405 91	18
Chautauque,	185 29	166 43	18
Cayuga,	2511 08	1690 83	29
Chenango,	714 16	693 09	111
Clinton,	999 66	749 21	24
Columbia,	5796 15	3035 82	40
Cortland,	319 51	439 07	22
Delaware,	2180 69	1434 48	34
Dutchess,	4827 70	1972 71	40
Erie,	82 05	85 48	13
Essex,	1762 46	1179 87	18
Franklin,	90 48	78 64	7
Genesee,	3973 53	2648 32	59
Greene,	3305 25	1825 49	45
Herkimer,	2801 23	1798 35	52
Jefferson,	4407 28	3270 69	27
Kings,	1528 56	1137 54	9

Lewis,	1507 80	795 68	42
Livingston,	2987 31	1784 17	47
Madison,	1436 90	1135 52	30
Monroe,	3163 56	1436 80	58
Montgomery,	5144 80	2953 07	79
Niagara,	1243 27	475 64	12
Oneida,	3702 45	2218 84	71
Onondaga,	2861 53	3127 16	29
Ontario,	2600 78	1416 27	25
Orange,	4048 59	2511 08	40
Orleans,	1712 52	1508 75	20
Oswego,	1810 87	2480 64	58
Otsego,	3182 37	2334 31	100
Putnam,	374 70	302 87	11
Queens,	1154 57	802 36	10
Rensselaer,	1512 20	1437 02	42
Rockland,	1637 48	304 39	8
Saratoga,	2394 19	1374 27	47
Schenectady,	804 58	692 56	8
Seneca,	1482 47	2039 41	8
Steuben,	638 58	276 23	29
St. Lawrence,	469 88	684 91	39
Sullivan,	264 87	345 06	17
Suffolk,	1741 56	1261 31	32
Tioga,	343 26	344 72	11
Tompkins,	727 41	835 14	3
Ulster,	1653 29	1035 22	18
Warren,	631 82	498 35	4
Washington,	699 20	430 93	9
Westchester,	2182 78	1115 46	44
Wayne,	2084 68	1548 17	12
Yates,	638 10	483 01	5
Total,	$93934 76	$63831 14	1598

(G.)

The following exhibits the gain and loss of the number of scholars taught, and of the number of children between 5 and 15, in the several counties, compared with the returns of last year.

COUNTIES.	Increase in scholars taught.	Increase in children between 5 and 15.	Decrease in scholars taught.	Decrease in children between 5 and 15.
Albany,	477	306	.....	.....
Allegany,	1309	1020	.....	.....
Broome,	.....	318	42	.....
Cattaraugus,	517	604	.....	.....
Cayuga,	395	1020	.....	.....
Chautauque,	1416	1300	.....	.....
Chenango,	.....	296	30	.....
Clinton,	623	592	.....	.....
Columbia,	6	554	.....	.....
Cortland,	930	486	.....	.....
Delaware,	530	564	.....	.....

Dutchess,	15	467		
Erie,	741	1213		
Essex,	687	812		
Franklin,	304	390		
Genesee,	1295	407		
Greene,	557	302		
Herkimer,		411	15	
Jefferson,	1140	1184		
Kings,	337	225		
Lewis,	441	455		
Livingston,		563	53	
Madison,	522	483		
Monroe,	674	1214		
Montgomery,	611	1338		
New-York,	2367			
Niagara,	523	858		
Oneida,	820	2165		
Onondaga,	1493	131		
Ontario,	291	592		
Orange,	196	728		
Orleans,	135	427		
Oswego,	752	621		
Otsego,	401	585		
Putnam,	424	10		
Queens,	306	159		
Rensselaer,	1315	1260		
Richmond,		153	10	
Rockland,	66	87		
Saratoga,	16	316		
Schenectady,	210	99		
Schoharie,	794	549		
Seneca,		441	442	
St. Lawrence,	1255	935		
Steuben,	266	448		
Suffolk,		71	92	
Sullivan,	238	262		
Tioga,	490			215
Tompkins,	356	241		
Ulster,	530	535		
Warren,	398	127		
Washington,		125	301	
Wayne,		1207	685	
Westchester,	592	291		
Yates,	358	65		
Gain,	27119	30010	1670	215
Loss,	1670	215		
Real gain,	25449	29795		

(APPENDIX F.)

DOCUMENTS

Accompanying the Report of the Select Committee, on that part of the Governor's Message relating to the abduction of William Morgan.

(SEE JOURNAL OF FEBRUARY 16.)

(A.)

To the Hon. A. Hazeltine, Chairman of the Committee of the Assembly, on the abduction of William Morgan.

SIR—In compliance with the request of the committee of which you are chairman, communicated to me by your letter of the 17th inst. that I would give you "a detailed statement of the facts that have been disclosed, on the several trials that have grown out of the [Morgan] transaction," I herewith submit a statement of such facts, disclosed on the trials conducted by me, as District Attorney of Ontario county, as have a tendency to shew the motives of those who have perpetrated this outrage upon the rights of a citizen, and the measures taken to effect their designs.

The first information of William Morgan, and of the opinion of others concerning him, which has been disclosed in these trials, was found in an anonymous notice published some time in the spring or summer of 1826, in the Ontario Messenger, representing him as a disreputable man, or as guilty of bad conduct, and that particular information respecting him might be had on application at the lodge in Canandaigua. Of this notice I speak from recollection, as I have not the paper before me; but the foregoing, I believe, is the substance of it. It was not proven who carried that notice to be inserted in the newspaper; but I have been informed, and believe, that it was procured to be published by some of those who were afterwards concerned in the abduction.

During the summer of 1826, it was reported and generally understood, that Morgan was writing a book on freemasonry, to be published by David C. Miller, of Batavia, which reports were verified by subsequent events. His employment excited a great deal of feeling and resentment, among many of the masonic fraternity; and meetings were held at Le Roy and other places, to consider of measures to suppress the publication. A man was introduced to Miller, under pretence of assisting him with money in the publication, but for the real purpose of giving information where Morgan's writings were to be found. His name was *Johns*, a Canadian, and is said to have belonged to the British fur company. The possession of some part, if not the whole, of Morgan's manu-

scripts, was obtained by the conspirators, but in what manner they were obtained, and of the course of subsequent events which happened in Genesee county—inasmuch as they have not been investigated at trials in Ontario—I have no particular knowledge, except so far as I have detailed them; and so far as they were a subject of inquiry on the trials under my direction, as the inducement to further illegal acts.

There is some reason to believe that a conspiracy was formed in the counties west of Ontario, to abduct Morgan in a manner different from that which was finally adopted. He was arrested in Batavia, on the morning of the 11th, and was carried from the jail in Ontario on the evening of the 12th of September, 1826. On the 11th September, the same day that he was arrested in Batavia, persons from Lockport applied at Fort Niagara, for a place of confinement for Morgan, because he was about "to reveal the secrets of masonry." It is possible that those who acted at Canandaigua on the 12th, and the persons who were at Fort Niagara on the 11th, may have had a correspondence, though the distance between these places, as well as the testimony of Cheesbro before the court of sessions of Ontario county, in August, 1827, contradict this supposition. It is not very important, only as regards the evidence of common design to prevent the publication of the secrets of masonry.

On the 10th of September, 1826, Ebenezer C. Kingsley of Canandaigua, by the persuasion of Nicholas G. Cheesbro and others, made a complaint against Morgan, before J. Chipman, Esq. a justice of the peace, for stealing a shirt and cravat, the property of Kingsley. A warrant was issued on this complaint by the magistrate, directed to Cheesbro as one of the coroners of Ontario county, or to any constable of the county, for Morgan's arrest, and was delivered to Cheesbro, who hired a post-coach and procured Halloway Hayward, a constable, and three or four others, to accompany him to Batavia, where Morgan then resided. The party arrived at Batavia on the evening of the same day, and on the next morning, the 11th September, the warrant was served by Hayward, the constable, he having first procured it to be endorsed by a magistrate of Genesee county, and immediately after the arrest, the same party returned to Canandaigua, where they arrived at evening. Morgan was immediately brought before Chipman, examined and discharged from the arrest; the charge of larceny appearing to be unfounded, as the articles were borrowed of Kingsley without a felonious intent. I omit to relate the incidents of this journey, as I do not regard them as important in the further development of the conspiracy.

After Morgan was discharged from the arrest, a demand of two dollars was presented to the said justice against him, in favor of Cheesbro, as assignee of one Ackley. For the demand, Morgan confessed a judgment, and an execution was forthwith issued. He offered his coat to the constable to satisfy the execution. It was not taken; and he was arrested and locked up in jail. This took place on the evening of the 11th September, after the return from Batavia.

Morgan was abducted from the jail on the evening of the 12th September, having remained there about twenty-four hours. The means adopted for that purpose, are distinct in their nature, and will be stated presently.

Hayward and the persons who went to Batavia, were indicted for a participation in the abduction from the jail. On the trial of that indictment, Cheesbro being called by the defendants, testified that there was no understanding between him and the defendants, "of any thing to be done to Morgan, other than bringing him to Canandaigua and trying him." "The idea of Morgan's going west originated here, (Canandaigua) after the discharge from the warrant;" and that *he* "did not understand that Morgan was to leave the jail until near night on the 12th." He also swore that his motives in prosecuting Morgan were to convict him of stealing, and thus to suppress the publication of the book on Freemasonry—that fearing that David C. Miller would come from Ba-

tavia, pay the debt, and release Morgan, a communication was sent to Morgan's *friends* at Rochester, informing them that Morgan was in jail for debt—that towards evening on the 12th of September, several persons communicated to him the purpose of removing Morgan—that they were the same persons who had been informed of Morgan's imprisonment, by the communication sent to Rochester—and that he (Cheesbro) hired the carriage in which Morgan was carried off, and paid for it.

Other facts will appear which prove that the motives which actuated those who conspired against Morgan, were to prevent the publication of his book on freemasonry. The same objects were avowed in the meetings in Genesee county, by those who visited Fort Niagara, by those who acted in Canandaigua, and by those who came to Canandaigua in consequence of the information sent to Rochester. So far, therefore, as their motives were then avowed, the suppression of Morgan's publication was the object to be effected by the conspiracy; and the abduction of the man was the mean by which that object was to be accomplished.

The abduction was effected on the night of the 12th September, 1826. At the court of general sessions, held in the month of November ensuing, an indictment was found against Nicholas G. Cheesbro, Loton Lawson, Edward Sawyer and John Sheldon, charging in the first count that they with others had conspired "to falsely imprison one William Morgan, and to deprive him of his liberty without any legal warrant or justifiable cause, and to kidnap him, the said William Morgan, and to carry away and transport him, the said William Morgan, and to cause and procure him, the said William Morgan, to be carried away and transported into foreign parts and places to the jurors aforesaid unknown, and without and beyond the jurisdiction and territory of the state of New-York," alleging the overt act, that in pursuance of such conspiracy, on the 12th day of September, 1826, they, "the said William Morgan, against the will of the said Wm. Morgan, and without any legal warrant or justifiable cause, did forcibly and violently take, lead, drag, carry away, and carry off into foreign parts and places unknown to the said jurors, and without the territory and jurisdiction of the state of New-York." Other counts charged a conspiracy for the like purpose, except that the false imprisonment was not alleged to be in places "without and beyond the territory and jurisdiction of the state of New-York." False imprisonments, riot, and assault and battery, were charged in other counts. Another indictment was also found against the same persons for the distinct offence of kidnapping. These indictments went to the court of oyer and terminer, held in January, 1827, when the defendants, except Sheldon, plead guilty to both; and Sheldon, on trial, was convicted of the offences charged in the indictment for conspiracy. A nolle prosequi was entered on the indictment for kidnapping, as in fact but one conviction could be had, and I elected, by the advice of my associates, to move for judgment on the indictment for conspiracy.

If there were no other proofs, an estimate of the degree of violence, and of the extent of the outrage might be inferred from the record of these convictions.

On the trial of Sheldon, as he admitted the conspiracy, it only became necessary to establish his participation in it. Of course the inquiry was a limited one, and no very important facts were elicited. As Cheesbro had avowed himself as the principal in the conspiracy, it may be interesting to know what he offered to the court in explanation of his conduct and in mitigation of punishment. The following extract from his affidavit, sworn to before the clerk of Ontario county, on the 5th day of January, 1827, and read to the court, will explain with what views he entered into the conspiracy: "This deponent knew that it was intended to release the said Morgan from jail, and was informed and verily believed, that the said Morgan had consented to go away; and that the only object of this deponent in assisting to get said Morgan out of jail, was to keep

him from falling into the hands of David C. Miller of Batavia: that he, this deponent, had been informed and believed, that said William Morgan was compiling a book on the subject of masonry, at the instigation or concurrence of said Miller, who was to print the same with a view to pecuniary profit; in which book the said Morgan pretended to disclose the secrets, which he averred that he had most solemnly engaged never to reveal: that deeming such publication calculated to degrade the institution of masonry, and to bring disgrace on the members thereof, this deponent was desirous to remove the said Morgan to some place beyond the reach of the said Miller, where his friends and acquaintance might endeavor to convince him of the impropriety of his conduct, and prevent the consequence before mentioned."

You will collect from the preceding statement, that the attempt to convict Morgan of larceny had failed; that on the 11th September, 1826, he had been committed to jail on civil process; that information of his imprisonment had been communicated to persons at Rochester; that those persons came to Canandaigua on the 12th, and avowed their intention to carry him off; and that a carriage was procured for the purpose, This carriage was stationed a few rods from the jail, from whence it might be ready to start at a given signal. Previous to this, Lawson had been at the jail, had seen Morgan, and had proposed to Mrs. Hall, the wife of the jailer, who was then absent, to pay the debt, as an act of friendship to Morgan, and take him out of jail. Mrs. Hall was afraid this would not be correct, but engaged to release him if Cheesbro or Sawyer should advise her to do so. They both came to the jail, and on their recommending it, she consented to release Morgan. When she went towards the prison, Lawson went towards the street door and made a signal. She turned towards the door, and saw a man come up the jail steps. She then released Morgan, and after locking the prison, went to the door and saw Morgan between Lawson and the man who came up the steps, going eastwardly. Morgan struggled and cried murder; his mouth was stopped, and he was forced off down the street. At the same time that this was passing in and near the jail, others made a signal for the carriage to come, by rapping on a well curb, when the carriage started after the party, overtook them, they all got in, and it was then turned towards Rochester; this was between 9 and 10 o'clock in the evening. A fact to be noted, is, that Morgan in the struggle lost his hat near the jail. This carriage was driven by Hiram Hubbard, who then kept a livery stable at Canandaigua. He has testified that he drove the party a little distance beyond Hanford's landing, near the east end of the ridge road, where he arrived on the morning of the 13th September, about sunrise, and that the party got out in the road at a place distant from a house. He also testified, that on his return to Rochester he met a carriage with a pair of horses. On this day, the 13th September, a carriage was procured of Ezra Platt, who kept a livery stable at Rochester, under pretence of going to Lewiston, to the installation of a lodge. Mr. Platt does not know who hired the carriage; says it was applied for before day light in the morning; that the man who drove it has left the country; and that he is not now certain even of the driver's name. But a carriage on this 13th day of September, 1826, is satisfactorily proven to have passed along the ridge road to Lewiston, under peculiar and extraordinary circumstances, not stopping at public houses, and drawn by horses belonging to persons living on the road, changed in bye places, and driven by men who could not be ordinarily engaged in such an occupation, and generally preceded by some one to procure the necessary relays of horses. It is also established that this carriage was stopped in a back street in Lewiston, and that on the morning of the 14th September, at a very early hour, another carriage was procured to go to Fort Niagara; that this carriage was driven by Corydon Fox, a stage driver, who was directed to go to this other carriage, standing in the back street, and get his passengers; that he did go to that carriage and take out four or five men; one of whom had no hat on, and appeared to be helpless. The party were then driven toward the Fort; called at Col. King's, who lived at Youngstown; took him in, and then drove to a place near the Fort, where

all got out in a private place, and the carriage returned to Lewiston. It has also been proven, that on the 14th September, a man was confined in the magazine at Fort Niagara.

The preceding facts were proven on the trials of Sheldon, in January, 1827; of Hayward and his associates, at Batavia, in August, 1827; of Bruce, Darrow and Turner, in August, 1828. I do not pretend to state all the facts that have been proven: I have aimed at detailing only the prominent features of the transaction.

I am not aware that any proof has been given on the traverse of an indictment, identifying Morgan at Fort Niagara. It can now be established that *he was in the carriage which passed on the ridge road, on the 13th September.* Such is my information from a source in which I have every confidence. This proof has not been in our power until very lately. No person who was engaged in the conspiracy at the frontier, except Bruce, has been convicted. Judgment has not yet been given against him, by reason of a question of law pending before the supreme court, and which is not yet decided.

The foregoing proofs have been deemed sufficient by an intelligent jury, to find Bruce guilty of participating in the conspiracy; he being one of those who went to the Fort in the carriage from Lewiston, on the morning of the 14th September. Edward Giddins has published his knowledge of the transactions at Fort Niagara on the 14th September, and the days subsequent thereto. I annex an extract from his testimony, (omitting names,) given before the grand jury of Ontario county, relative to those events. I think proper to communicate this information, because the persons indicted upon it have all been tried, and because he has published the same information under his own name. Putting it, therefore, in this shape, is only authenticating the information as his. At the same time I think proper to inform you, that he has been rejected as a witness by our court of general sessions, on the ground of religious belief. Men of character and integrity, who are well acquainted with Giddins, speak of him as a man of veracity and truth. And his information is certainly corroborated in some important particulars, by unimpeached witnesses; nor is it inconsistent or improbable, when compared with that established beyond all doubt, by the mouth of many witnesses.

No doubt seems to remain of Morgan's having been forcibly carried to Fort Niagara. Of his subsequent fate, we are left in a great measure to conjecture. If he had been there restored to his liberty, the object of the conspiracy would not have been accomplished; the book would not have been suppressed. A continued coercion and false imprisonment would have secured the object; but where could that be exercised? Where, in this part of North America, is the place in which a man could be imprisoned, secretly and violently for this length of time? An alternative of a dreadful character suggests itself, which would not only effectually prevent his publications, but silence also the story of his wrongs. Charity might infer a result less tragical, if the conspirators had condescended to inform their fellow-citizens in what manner they had disposed of the man. But in the absence of all such explanation, suspicions of the most fatal event may be indulged.

With respect to my views of the course to be pursued hereafter, I remark, that in August, 1827, I pointed out to governor Clinton the importance of having some person clothed with general authority to prosecute these offenders. To establish the guilt of an individual, it is necessary to prove many distinct facts existing in different counties. The district attorney of one county may have acquired a knowledge of all these facts, and the ability to conduct a trial with efficiency. His information is of no use to the prosecutor of another county. To the latter it is all new ground: whereas, one counsel prosecting in all the counties, carries with him a knowledge of all the facts, and of the witnesses ne-

cessary to establish their continuity. My opinion is, that the employment of special counsel should be continued. Although all the advantages and consequences may not have been, at this time, secured from the employment of such counsel, that many have anticipated, yet I do not think that the experiment has been fully tried. In fact, if that is not effectual, I am at a loss to devise a remedy. However we may deprecate that wantonness and cruelty which have marked the conduct of the guilty men engaged in this transaction, we cannot deprive them of their legal and constitutional rights, which are to be tried by law, as it was when the offence was committed, and by a jury of their country. It is doubtless an honor to our jurisprudence that, previous to this outrage upon Morgan, we had no law adequately to punish the stealing and perpetual false imprisonment of a free white man. It had not, before that event, entered into the minds of our legislators, to conceive that any men, enjoying liberty, could wilfully and wickedly deprive a fellow-citizen, perpetually, of that inestimable blessing. Hence we had no law to punish such an unworthy act, to a degree corresponding with its enormity. I remark upon this more particularly, because many honest but ignorant men have attributed the comparatively slight punishment of those who have been convicted, to a sinister and corrupt influence upon the court and its officers, rather than to the law of the land; not reflecting, or not knowing, that no conviction for murder can be had, until a homicide is proved to have been committed, and that the kidnapping or abduction of a white man in 1826, was merely false imprisonment and misdemeanor, punishable by fine or imprisonment in the county jail, or both, at the discretion of the court.

An extraordinary tribunal, if it proceeded according to the course of the common law and the usages of our courts, would have no advantage over the courts of justice already established. If a tribunal were erected, with powers of a summary character, it could not act against the liberty or rights of a citizen. The writ of habeas corpus would render its judgments of no avail. If delays in the proceedings of our courts do occur, it is to be observed that important testimony is constantly accumulating.

The abduction of Morgan is a singular and striking event in our history; and as in case of other irretrievable evils, it is easier to lament it than to find a remedy. I have no hesitation in saying, that it has resulted from the confidence which members of the masonic society have felt in its power and influence; from a false estimate of the value of that institution, and from an opinion that they were bound to preserve it from violation and injury. Public opinion is the omnipotent law of our land, and whether its slow but certain correction is not the best remedy for this, and the most certain preventive of future mischiefs, is for the wisdom of the legislature to decide.

It is worthy of remark, that it has been proved or conceded, that all those who have been engaged in these outrages, were members of the masonic fraternity: a fact not without meaning in reference to the objects of the conspiracy.

I have the honor to be, respectfully,
Your obd't. servant,
B. WHITING,
Dis. Att'y. Ontario County.

Extract from the testimony of Edward Giddins, given before the grand jury of Ontario county, omitting names.

"Edward Giddins, living near Fort Niagara, testified—'That on the morning of the 14th September, 1826, about one o'clock, he was called up by ———, who said, we have got that rascal of a Morgan, who is going to reveal all our secrets, and you must get up and set us across the river. While witness was getting ready, ——— came to him and said, let me have some water for Morgan, for the poor curse is famishing. Witness then went out, and found Morgan sitting on a log, in custody of ——— and ———. ——— and ——— then led Morgan down to the boat, and they all went across the river. Morgan had a handkerchief tied around his eyes, and was also pinioned. The boat remained on the Canada shore about two hours, with Morgan and —— in it, while —— and —— went up into the village. On their return to the boat, there were two men with them: and after a little conversation, the strangers returned, and ——, ——, ——, and Morgan returned to the American shore. Morgan complained of hard usage, and was going on to say something more, when ——— presented a pistol to his breast, and threatened his life, if he did not stop. —— and —— then led Morgan up to the Fort, and confined him in the magazine. Morgan appeared very weak, and much distressed. The reason assigned for not leaving Morgan across the river was, that they were not yet ready to receive him, and he was therefore brought back and put into the magazine. On the evening of the 15th, ——— and another man had a dispute about what should be done with Morgan. ——— was for executing him immediately; the other man was for releasing him. The key of the magazine was then delivered to ——, who delivered it over to one ——, who kept it after that.

'A council was held next evening, out on the plain, near the grave-yard, composed of seven persons, viz. ———. They were all, at first, for executing him immediately. Mr. —— and another person soon relented, and the others soon concluded not to decide his fate that night, but wait until they could hear from the *East*.

'On the 21st or 22d September, ——— said to witness, I believe they have murdered that man, (meaning Morgan,) and went on to state to witness, that —— had been to —— and requested him to take a boat to a certain place in the night, which ——— refused to do, because he believed they were going to murder Morgan. Next morning, went to the place where Morgan had been confined, and called him, but found he was not there.'"

(B.)

ONONDAGA C. H. January 30, 1829.

The Hon. A. Hazeltine, Chairman of the Committee in Assembly, to which was referred so much of the Governor's Message as relates to the abduction of William Morgan.

SIR—On my return this morning, I received your favor, in relation to the subject alluded to in the above reference, requesting of me the communication of any other facts, the knowledge of which I may be in possession of, and which may with propriety be made public, and not yet disclosed in the course of judicial investigation. In reply to which I respectfully state: Firstly, that the testimony heretofore taken on the trial of one of the parties charged, although made public (and substantially correct,) in the Anti-Masonic Enquirer, of 26th August, 1828, was not inserted in my report to the executive, for the reason

that I thought it not proper to give the testimony a quasi official sanction, until the cause was finally decided, and for the still more controlling reason, that the doing so, would render the impannelling of subsequent impartial juries, already sufficiently embarrassing, still more difficult. Permit me, however, to refer you to that paper, should you wish a detailed statement of the testimony, and from which I think I should not materially vary.

Secondly, in the course of an examination before a grand jury, during the first week in this month, and consequently since my report, I have elicited additional and material testimony in relation to the *identity* of William Morgan, and some precise circumstances occurring while carrying him off: this, however, does not extend beyond the abduction.

Thirdly, I have also been put in possession of some information of a graver character, and from a source entitled to credit; but I thought it not expedient to call the witness before the grand jury; it was not necessary for the purpose of finding the bill *true* which I had laid before it. These matters, however, can not, in my judgment, "with propriety be made public," as they would tend very much to prejudge the guilt of persons indicted. It can hardly be necessary for me to say, that I shall comply, however, with your directions, in this particular.

I am, very respectfully, yours, &c.

D. MOSELEY.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.

The memorial of the undersigned, delegates from the counties of Chautauque, Erie, Niagara, Orleans, Genesee, Monroe, Livingston, Ontario, Wayne, Yates, Seneca and Tompkins, assembled in convention at Le Roy, this 6th day of March, 1828, respectfully represents,

That your memorialists, representing in said convention, a large portion of the inhabitants of said several counties, have convened for the purpose of taking into consideration the nature, tendency and objects of speculative freemasonry, as the same has lately been revealed; and of devising legal and proper means to resist what they deem to be its alarming influences in opposition to the interests and rights of the people.

That there has been exhibited to your memorialists in this convention, the most conclusive evidence that the several oaths and obligations hereto annexed in print, are substantially, if not literally, the oaths imposed and taken in the several degrees of masonry. That by reference to said oaths, your honorable bodies will discover that they are not only impious and profane, but replete with obligations incompatible with our social and moral relations, and which, if fulfilled, must go far to subvert our political institutions.

Your memorialists, without intending to point out particularly the obligations deemed most objectionable, will merely refer to the promises to keep all secrets of a brother or companion, be they what they may; to deliver him from difficulty, he being right or wrong; and to promote his military and political advancement in preference to all others, as engagements which must materially affect the due administration of justice, and essentially destroy that equality of rights and privileges, which it is the great object of our constitution and laws to preserve.

Although your memorialists honestly believe, that a society composed of numerous and influential numbers, bound together by secret obligations, constitutes a political evil of the most serious magnitude, yet they do not propose requesting the interposition of your power to suppress it, in any other way than by the application of general principles of legislation, which are sanctioned by the history and precedents of our government.

Not only the government of this country, which is emphatically one of law, but all other civilized communities regard their own existence, as well as the most important reciprocal rights of their members, to depend essentially upon the binding force or efficacy of judicial oaths; every right and interest on this side the grave is subject to their influence; consequently to destroy their moral or legal sanction, is to strike a fatal blow at the security of reputation, property, and even of life itself. Hence it is that oaths, or rather the right of administering them, is a constituent part of the civil or judicial policy of all countries; the solemnities and sanctions under which they may be imposed, become a part of the public law, subjected to the superintending control of the respective governments. Your memorialists therefore feel confident, if your honorable bodies shall concur with them in opinion, that the practice of taking the numerous profane obligations of freemasonry, as well as the obligations themselves, tend in an important degree to destroy the solemn influence of judicial oaths, that then you will feel it to be a high duty to provide, by law, an efficacious remedy for so great an evil.

Your memorialists are aware that since the blasphemous rites and obligations of freemasonry have been divulged, that many of its votaries assert them to be mere matters of form and ceremony, which neither have, nor are designed to have a binding force upon the consciences of the initiated, although your memorialists not only believe, but *know*, that their obligations have been, and are regarded by many persons, otherwise respectable and intelligent, as of paramount force to the laws of the country, and the sacred rights of the citizen. Yet conceding for the present that they are esteemed idle and nugatory, we call your serious attention to the form and language of those oaths which are herewith presented, and then earnestly demand of you, as the guardians of the laws, and of our dearest rights, to declare whether the continual administering them is not an evil of alarming import.

Your memorialists conceive that religion, at most, will not justify the use of any other oaths than such as are indispensable for the administration of justice and the preservation of government and laws; and that human policy equally requires that they should be confined to those objects; and that the power of administering them should be restrained to such officers only as are or may be legally designated for this purpose. It is in view of their importance that every government has devised such forms for administering them, and such punishments for their violation, as are deemed most likely to ensure the greatest fidelity in their observance. But in all countries the inadequacy of human laws alone is admitted, and every where, the aid of religious faith and the penalties of a divine law are invoked. The importance of these additional sanctions, so universally acknowledged, that not only in this state, but as your memorialists believe, throughout christendom, no person disbelieving the existence of a God, or human accountability to divine laws, can be admitted to an oath in a court of justice. But notwithstanding the united terrors of human punishment and divine vengeance are thus wisely required, for our security against perjury, the undeniable increase of this crime is a lamentable proof of their insufficiency.

Without pretending to assign every cause that may contribute to this increase, your memorialists feel justified in asserting, that a principal one may be found in the frequency of administering, taking and witnessing extra-judicial oaths. It can not be denied, that the solemnity and moral influence, even of judicial oaths, upon the human mind, are liable to be diminished by their frequent repetition; and it is evident that this effect must be produced, to a much great-

er degree, when oaths are imposed with the mock solemnities, and connected with the ridiculous forms and impious rites of freemasonry. By a reference to these numerous oaths, it will be perceived that the recipient is gradually familiarized to the irreverent use of God's name, so that when he shall have reached the highest degrees, and witnessed, as he must have done in his progress, the frequent repetition of them by others, he is prepared to imprecate divine vengeance in the most blasphemous language, with emotions totally different than should be experienced by witnesses in courts of justice. Is it possible that divine sanctions should not loose their influence on minds familiarized to such impious mockery? If so, one of the great securities for judicial oaths is affected, and it becomes the duty of the legislature to correct the evil.

Your memorialists feel assured, that if the administering of masonic oaths produced no other evil than what has been set forth, and which can hardly be denied by the fraternity itself, that alone would constitute sufficient grounds for their present application. But this is not the fact. The obligatory influence of the oaths doubtless is felt in different degrees, by different persons on whom they are imposed, according as their education, intellectual powers and moral feelings vary. By some they may be altogether disregarded, while over others they exercise an uncertain and irregular influence; but there is abundant proof that multitudes, embracing men of every rank and profession of society, regard the obligations, even to the infliction of their horrible penalties, as of controlling force. This assertion is sustained by public events, which must be equally known to you as to us, for they were not done in a corner or under a bushel.

We need not expatiate on the alarming outrages in this vicinity, which resulted in the abduction and secret murder of a citizen, for they have stained the page of our history, and inflicted a wound on the character of the state which never can be healed, until the supremacy of our laws is established by the detection and punishment of the offenders.

But we ask, can this be accomplished, so long as secret societies are permitted to spread their influence over the country, and to direct their hidden and alarming powers to protect and defend them; and whilst our laws tolerate judges, and jurors, and witnesses, to bind themselves by oaths which set the forms and sanctions of judicial proceedings at defiance? Circumstantial evidence, but of the most satisfactory nature, has convinced your memorialists that there is a great number of persons in this state, and those too who would seem to have a deep stake in the well being of society, that are sufficiently acquainted with the particulars of the fate of Morgan, to be able, if they would, to bring his murderers to justice. But so far from affording their aid to this object, many of them have been active in suppressing public sympathy, and misleading public opinion as to his fate.

This fact, which your memorialists doubt not on inquiry will be made satisfactorily evident, exhibits the illegal influence of masonic oaths in a more striking view, than the perpetration of any single crime, however enormous.

It is hardly necessary for your memorialists to observe, after experiencing that the force of these oaths has overcome the highest obligations to society, the strongest feelings of nature, and the fear of divine vengeance, that they cannot doubt the same influence is often exerted, in prompting, perpetrating and concealing less shocking offences. For it requires no argument to show, that if the obligation is observed, even to the taking away the life of a fellow-being, its observance will be far easier obtained to the commission of crimes less abhorrent to humanity.

In concluding, your memorialists beg leave to present the whole subject as one of deep interest to the state, and worthy your most deliberate investiga-

tion, and they humbly pray, all the premises being considered, that your honorable body will devise and pass a law, declaring all oaths not sanctioned by the public laws of the state, to be wholly void, and prohibiting, by suitable penalties, their administration.

And your memorialists, as in duty bound, will ever pray.

On the nature and tendency of extra-judicial oaths.

All oaths not authorised by law, deserve no higher or better name than *profanity.* But, in order fully to understand the evil tendency and pernicious influence of such oaths, it is necessary to enter into a detailed examination of the principles contained in the obligations entered into by masons. We will therefore transcribe, in full, the master mason's oath, as a specimen of the whole, although we are told from good authority, that it bears no resemblance, in point of iniquity, to those of the higher degrees; and that, indeed, when compared with them, it is *pure morality.* We trust the day is not distant, when the public will be better informed as to the nature and principles of the higher degrees.

"I, A. B., of my own free will and accord, in presence of Almighty God, and this worshipful lodge of master masons, erected to God, and dedicated to the holy order of St. John, do hereby and hereon, most solemnly and sincerely promise and swear, in addition to my former obligations, that I will not give the degree of a master mason to any one of an inferior degree, nor to any other being in the known world, except it be to a true and lawful brother or brethren, master mason, or within the body of a just and lawfully constituted lodge of such; and not unto him, nor unto them, whom I shall hear so to be, but unto him, and them only, whom I shall find so to be, after strict trial and due examination, or lawful information received. Farthermore, do I promise and swear, that I will not give the master's word which I shall hereafter receive, neither in the lodge nor out of it, except it be on the five points of fellowship, and then not above my breath. Farthermore, do I promise and swear, that I will not give the grand hailing sign of distress, except I am in real distress, or for the benefit of the craft when at work; and should I ever see that sign given, or the word accompanying it, and the person who gave it appearing to be in distress, I will fly to his relief at the risk of my life, should there be a greater probability of saving his life, than losing my own. Farthermore, do I promise and swear, that I will not wrong this lodge, nor a brother of this degree, to the value of one cent, knowingly, myself, nor suffer it to be done by others, if in my power to prevent it. Farthermore, do I promise and swear, that I will not be at the initiating, passing and raising a candidate at one communication, without a regular dispensation from the grand lodge for the same. Farthermore, do I promise and swear, that I will not be at the initiating, passing or raising a candidate in a clandestine lodge, I knowing it to be such.—Farthermore, do I promise and swear, that I will not be at the initiating of an old man in dotage, a young man in non-age, an atheist, irreligious libertine, idiot, mad man, hermaphrodite, nor woman. Farthermore, do I promise and swear, that I will not speak evil of a brother master mason, neither behind his back nor before his face, but will apprize him of approaching danger, if in my power. Farthermore, do I promise and swear, *that I will not violate the chastity of a master mason's wife, mother, sister or daughter, I knowing them to be such, nor suffer it to be done by others, if in my power to prevent it.* Farthermore, do I promise and swear, that I will support the constitution of the grand lodge of the state of—— under which this lodge is held, and conform to all the by-laws, rules and regulations of this or any other lodge of which I may at any time hereafter become a member. Farthermore, do I promise and swear, that I will obey all regular signs, summons or tokens, given, handed, sent or thrown to me from the hand of a brother master mason, or from the body of a just and lawfully constituted lodge of such, provided it be within the length of my cable-tow. Farthermore, do I promise and swear, that a master mason's secrets given to me in charge as such, and I knowing him to be such, shall remain as secure and inviolable in my

breast, as in his own when communicated to me, murder and treason excepted, and they left at my own election. Farthermore I do promise and swear, that I will go on a master mason's errand whenever required, even should I have to go barefoot and barehead, if within the length of my cable-tow. Farthermore, I do promise and swear, that I will always remember a brother master mason, when on my knees offering up my devotions to Almighty God. Farthermore, do I promise and swear, that I will be aiding and assisting all poor, indigent master masons, their wives and orphans, wheresoever dispersed round the globe, as far as in my power, without injuring myself or family materially. Farthermore, do I promise and swear, that if any part of this my solemn oath or obligation be omitted at this time, that I will hold myself amenable thereto whenever informed. To all which, I do most solemnly and sincerely promise and swear, with a fixed and steady purpose of mind in me to keep and perform the same; binding myself under no less penalty, then to have my body severed in the midst, and divided to the north and south, and my bowels burnt to ashes in the centre, and scattered before the four winds of heaven, that there might not the least trace of remembrance remain among men or *masons*, of so vile and perjured a wretch as I should be, were I ever to prove wilfully guilty of violating any part of this my solemn oath or obligation of a master mason. So help me God, and keep me steadfast in the due performance of the same."

Masonic Anti-Masonic Proceedings.

At a convention of freemasons, opposed to secret societies, held at Le Roy, in the county of Genesee, N. Y. on Tuesday, February 19th, 1828: The convention organized at 1 o'clock P. M., and Elder David Bernard, of Warsaw, addressed the Throne of Grace. Leonard B. Rose, Esq. of Castile, was called to the Chair, and Elder David Bernard appointed Secretary.

Voted, that the Rev. James Cochrane, of Batavia, be requested to deliver an address to the convention, upon the subject of its present meeting.

[Mr. Cochrane rose and delivered an address.]

The objects of the meeting having been stated, it was agreed that the principles and obligations of freemasonry be freely discussed;—Therefore,

Voted, that the first obligation in masonry be read. Mr. H. A. Read, read the obligation of an "Entered Apprentice," as published by Capt. William Morgan. The chairman addressed the meeting on the binding nature of masonic obligations. Mr. S. D. Green, of Batavia, followed him on the same subject. Mr. H. A. Read, of Le Roy, spoke largely on the principles and obligations of the order; he was followed by J. Hascall, Esq. on the same subject. The Secretary then addressed the convention on the *antiquity* of the institution, showing that was not *ancient;* on the *morality* of the institution, showing that it did not promote morality; on the benevolence of the institution, showing that it was not *benevolent;* on the *ceremonies* of the institution, as far as the Royal Arch degree, showing that they were not only degrading to human nature, but blasphemous; on the principles of the institution as a system of Religion, showing that they were opposed to *Christianity*, and gave his reasons for believing it the duty of honest masons to expose its secrets and obligations to the world.

Voted, that the second and third obligations in masonry be read. They were accordingly read as published by Morgan.

Voted, that the 4th, 5th, 6th, and 7th obligations be read, as submitted to the convention, in manuscript. They were accordingly read by Mr. Read.

Mr. Read then spoke very extensively upon the obligations of Masonry: showing that they were diametrically opposed to good government, and subversive of the principles of justice and good order.

The convention then adjourned until 7 o'clock, P. M.

During the adjournment, Solomon Southwick, Esq. of Albany, who had been invited to attend the convention, arrived to take his seat as a member. A large and respectable concourse of citizens having convened, and being anxious to see the man, whom they considered the champion of their liberties, were admitted into the convention chamber, when Mr. Southwick was introduced by Elder Bernard. He briefly addressed them upon the pernicious effects of secret self-created societies in any government; particularly a republican government: reminded them with what jealousy the people of the United States had watched the introduction of societies and combinations anti-republican in their tendencies; and instanced the decline of the Cincinnati society, composed of many of the veterans of the revolution, and the opposition to that article of our federal constitution which authorises secret sessions of Congress, although they had not until lately become suspicious that the masonic institution had been all this while growing up amidst them, with their indulgence, to subvert their liberties. He remarked that he had not the least anticipation of being called upon to address his fellow-citizens, that he was wholly unprepared, and completely exhausted with his journey.

The citizens then departed, and the convention re-organized. The following resolution then passed *unanimously*.

Resolved, That the book written by Capt. William Morgan, and published by Col. David C. Miller, entitled "Illustrations of Masonry," is a fair and full exhibition of the three first degrees of speculative freemasonry; that we solemnly and unequivocally testify to the above, we cheerfully subscribe our names thereto. We certify according to the degrees we have taken:

Entered Apprentices.—Platt S. Beech, Henry Peck, David C. Miller.

Fellow Craft.—George W. Blodgett.

Master Masons.—Leonard B. Rose, George W. Harris, James Cochrane, Jonathan Foster, Edmund Badger, Orsamus Bowers, Jason Gratton, James Gray, Benjamin Cooley, Enos Bacheldor, A. E. Hutchins, John Tomlinson, Samuel D. Green, Pelatiah Dewey, Adam Richmond, David Snow, Seth M. Gates, Elijah Gray, Paschal D. Webb, John Anmock, James Taylor, William W. Phelps, B. Bliss.

Mark Master.—Solomon Southwick.

Royal Arch Masons.—Miles P. Lampson, David Bernard.

Knight of the Red Cross.—Richard Hollister.

Knight Templars, and Illustrious Knights of the Cross.—Anthony Cooley, Cephas A. Smith, Augustus P Hascall, Hollis Pratt, Herbert A. Read, James Ballard, John Hascall.

The obligations of Mark Master, Past Master, Most Excellent Master, and the Royal Arch degrees were again read, as follows:

Obligation of the 4th, or Mark Master's Degree.

I, A. B., of my own free will and accord, in presence of Almighty God, and this right worshipful lodge of Mark Master masons, do hereby and hereon, in addition to my former obligations, most solemnly and sincerely promise and swear, that I will not give the degree of a mark master mason to any one of an

inferior degree, nor to any other person in the known world, except it be to a true and lawful brother or brethren of this degree, and not unto him nor unto them whom I shall hear so to be, but unto him and to them only whom I shall find so to be after strict trial and due examination or lawful information given. Furthermore do I promise and swear, that I will support the constitution of the general Grand Royal Arch Chapter of the United States of America, also the constitution of the Grand Royal Arch Chapter of this state under which this lodge is held, and conform to all the by-laws, rules and regulations of this or any other lodge of mark master masons of which I may at any time hereafter become a member; that I will obey all signs and summons given, handed, sent or thrown to me from the hand of a brother mark master mason, or from the body of a just and lawfully constituted lodge of such, provided it be within the length of my cable-tow. Furthermore, do I promise and swear, that I will not wrong this lodge, nor a brother of this degree, to the value of his wages or one penny, myself, knowingly, nor suffer it to be done by others, if in my power to prevent it. Furthermore, do I promise and swear, that I will not sell, swap, barter or exchange my mark, which I shall hereafter choose, nor send it a second time to pledge, until it is lawfully redeemed from the first. Furthermore, do I promise and swear, that I will receive a brother's mark when offered to me, requesting a favor, and grant him his request if in my power, and if it is not in my power to grant him his request, I will return him his mark with the value thereof, which is half a shekel of silver, or a quarter of a dollar. To all which, I do most solemnly and sincerely promise and swear, with a steady and fixed purpose of mind in me to keep and perform the same; binding myself under no less penalty, than to have my right ear smote off, that I may be forever unable to hear the word, and my right hand chopped off, as the penalty of an impostor, if I should ever prove wilfully guilty of violating any part of this my solemn oath or obligation of a mark master mason. So help me God, and keep me steadfast to keep and perform the same. Detach the hand and kiss the book.

Obligation of the 5th, or Past Master's Degree.

"I, A. B., of my own free will and accord, in presence of Almighty God, and this worshipful lodge of Past Master Masons, do hereby and hereon, most solemnly and sincerely promise and swear, in addition to my former obligations, that I will not give the degree of a past master mason to any one of an inferior degree, nor to any other person in the known world, except it be to a true and lawful brother or brethren, past master masons, or within the body of a just and lawfully constituted lodge of such; and not unto him, nor unto them, whom I shall hear so to be, but unto him, and them only, whom I shall find so to be, after strict trial and due examination, or lawful information; furthermore do I promise and swear, that I will obey all regular signs and summons, given, handed, sent or thrown from the hand of a brother of this degree, or from the body of a just and lawfully constituted lodge of such, provided it be within the length of my cable-tow; furthermore, do I promise and swear, that I will support the constitution of the General Grand Royal Arch Chapter of the United States of America, also the Grand Chapter of the state of —— under which this lodge is held, and conform to all the by-laws, rules and regulations of this or any other lodge of which I may at any time hereafter become a member, as far as in my power; furthermore do I promise and swear, that I will aid and assist all poor and indigent past master masons, their widows and orphans, wheresoever dispersed around the globe, they applying to me as such, as far as in my power, without material injury to myself or family; furthermore do I promise and swear, that the secrets of a brother of this degree, delivered to me in charge as such, shall remain as secure and inviolate in my breast, as they were in his own before communicated to me, murder and treason excepted, and they left to my own election; furthermore do I promise and swear, that I will not wrong this lodge, nor a brother of this degree, to the value of one cent, knowingly, myself, nor

suffer it to be done by others, if in my power to prevent it; furthermore do I promise and swear, that I will not govern this lodge, nor any other over which I may hereafter preside, in a haughty, arbitrary or imperious manner, but will at all times use my utmost endeavors to preserve peace and harmony among the brethren; furthermore do I promise and swear, that I will not close this lodge, nor any over which I may at any time hereafter preside, without first giving a lecture on some of the preceding degrees; to all which I do most solemnly and sincerely promise and swear, with a fixed and steady purpose of mind in me to keep and perform the same, binding myself under no less penalty than to have my tongue split from tip to root, [or in some lodges, cleave to the roof of my mouth] that I might forever hereafter be unable to speak the word, if ever I should prove wilfully guilty of violating any part of this my solemn oath or obligation of a past master mason. So help me God, and keep me steadfast to keep and perform the same.

Obligation of the 6th, or Most Excellent Master's Degree.

I, A. B., of my own free will and accord, in presence of Almighty God, and this lodge of Most Excellent Master Masons, do hereby and hereon, in addition to my former obligations, most solemnly and sincerely promise and swear, that I will not give the degree of most excellent master mason to any of an inferior degree, nor to any other person or persons in the known world, except it be to a true and lawful brother or brethren of this degree, or within the body of a just and lawfully constituted lodge of such, and not unto him nor them whom I shall hear so to be, but unto him and them only whom I shall find so to be, after a strict trial and due examination or lawful information; furthermore do I promise and swear, that I will obey all regular signs and summons given, handed, sent or thrown to me from the hand of a brother of this degree, or from the body of a just and lawfully constituted lodge of such, provided it be within the length of my cable-tow; furthermore do I promise and swear, that I will support the constitution of the General Grand Royal Arch Chapter of the United States of America, also the Grand Royal Arch Chapter of —— under which this lodge is held, and conform to all the by-laws, rules and regulations of this or any other lodge of which I may at any time hereafter become a member; furthermore do I promise and swear, that I will aid and assist all poor and indigent brethren of this degree, their widows and orphans, wheresoever dispersed around the globe, as far as in my power, without injuring myself or family; furthermore do I promise and swear, that the secrets of a brother of this degree, given to me in charge as such, and I knowing him to be as such, shall remain as secure and inviolable in my breast, as his own, murder and treason excepted, and they left to my own free will and choice; furthermore do I promise and swear, that I will not wrong this lodge of most excellent master masons, nor a brother of this degree, to the value of any thing, knowingly, myself, nor suffer it to be done by others, if in my power to prevent it; furthermore do I promise and swear, that I will not speak evil of a brother, but will give due and timely notice of all approach of danger, if in my power; furthermore do I promise and swear, that I will dispense light and knowledge to all ignorant and uninformed brethren at all times, as far as in my power, without material injury to myself or family; to all which I do most solemnly swear, with a fixed and steady purpose of mind in me to keep and perform the same, binding myself under no less penalty than to have my breast torn open, and my heart and vitals taken from thence, and exposed to rot on the dunghill, if ever I violate any part of this my solemn oath or obligation of a most excellent master mason. So help me God, and keep me steadfast in the due performance of the same.

Obligation of the 7th, or Royal Arch Degree.

I, A. B., of my own free will and accord, in the presence of Almighty God, and this Chapter of Royal Arch Masons, erected to God, and dedicated to the holy order of St. John, do hereby and hereon most solemnly and sincerely promise and swear, in addition to my former obligations, that I will not give the degree of a royal arch mason to any one of an inferior degree, nor to any other being in the known world, except it be to a companion royal arch mason, or within the body of a just and lawfully constituted chapter of such, and not unto him or unto them whom I shall hear so to be, but unto him and them only whom I shall find so to be, after strict trial, due examination or lawful information received; furthermore, do I promise and swear, that I will not give the royal arch word which I shall hereafter receive, neither in the chapter nor out of it, except there be present two companion royal arch masons, who with myself make three, and then under the living arch, not above my breath; furthermore, do I promise and swear, that I will not wrong this chapter, nor a companion of this degree, to the value of any thing knowingly, myself, nor suffer it to be done by others, if in my power to prevent it; furthermore, do I promise and swear, that I will not be at the exaltation of a candidate at a clandestine chapter, I knowing it to be such; furthermore, do I promise and swear, that I will not assist or be present at the exaltation of a candidate for this degree upon any person who has not regularly received the several degrees of an Entered Apprentice, Fellow-craft, Master Mason, Mark Master, Past Master, and Most Excellent Master, to the best of my knowledge and belief; furthermore do I promise and swear that I will not assist nor see any more nor less than three candidates exalted at one and the same time; furthermore do I promise and swear, that I will not assist or be present at the forming and opening of a royal arch chapter, unless there shall be present nine regular royal arch masons; furthermore, do I promise and swear, that I will not speak evil of a companion royal arch mason, neither behind his back nor before his face, but will apprize him of approaching danger, if in my power; furthermore do I promise and swear, that I will not strike a companion royal arch mason in anger, so as to draw blood; furthermore, do I promise and swear, that I will support the constitution of G. G. R. A. Chapter of the U. S. A.: Also the constitution of the Grand Royal Arch of the state of ———, under which this chapter is held, and conform to all the by-laws, rules and regulations of this or any other chapter of which I may hereafter become a member; furthermore do I promise and swear, that I will obey all regular signs, summons or tokens, given, handed, sent or thrown to me from the hand of a companion royal arch mason, or from the body of a just and lawfully constituted chapter of such, provided it be within the length of my cable-tow; furthermore do I promise and swear, that I will aid and assist a companion royal arch mason whenever I shall see him engaged in any difficulty, so far as to extricate him from the same, whether he be right or wrong; furthermore do I promise and swear, that a companion royal arch mason's secrets, given me in charge as such, and I knowing him to be such, shall remain as secure and inviolable in my breast as in his own, when communicated to me, Murder and Treason *Not* excepted; furthermore do I promise and swear, that I will be aiding and assisting all poor and indigent royal arch masons, their widows and orphans, wheresoever dispered around the globe, so far as in my power, without injury to myself or family materially. To all of which I do most solemnly and sincerely promise and swear, with a fixed and steady purpose of mind in me to keep and perform the same, binding myself under the no less penalty than to have my skull struck off, and my brains exposed to the scorching rays of the sun, were I ever to prove wilfully guilty of violating any part of this my solemn oath of a royal arch mason. So help me God, and keep me steadfast in the due performace of the same.

Note.—Furthermore do I promise and swear, that I will vote for a companion royal arch mason before any other person of equal qualifications.

The political, moral, and religious nature and tendency of the foregoing obligations were again freely discussed, whereupon it was resolved by all the Royal Arch masons, that the foregoing obligations are, according to our best recollections, substantially true—and by the convention, unanimously, That they are neither legally, morally or religiously binding, and that they be published to the world.

The obligations of Knights of the Red Cross, Knights Templar, the sealed obligation and obligations of the Thrice Illustrious Order of the Cross were then read as follows:

Obligation of Knight of the Red Cross.

I, A. B. of my own free will and accord, in presence of the Supreme Architect of the Universe and these witnesses, do hereby and hereon most solemnly and sincerely promise and swear, that I will always hail, forever conceal and never reveal any of the secret arts, parts or points of the mysteries appertaining to the order of Knights of the Red Cross, unless it be to a true and lawful companion Sir Knight of the order, or within the body of a just and lawful council of such, and not unto him or them until by due trial and strict examination or lawful information, I find him or them lawfully entitled to receive the same. Furthermore do I promise and swear that I will answer and obey all due signs and regular summonses which shall be sent to me from a regular council of Knights of the Red Cross, if within the distance of 40 miles, natural infirmities and unavoidable accidents only excusing me. I furthermore promise and swear that I will not be present at the conferring this order of Knighthood upon any person unless he shall have previously regularly received the several degrees of Entered Apprentice, Fellow Craft, Master Mason, Mark Master, Past Master, Most Excellent Master and Royal Arch Mason, to the best of my knowledge and belief: I do furthermore promise and swear, that I will not assist or be present at the forming and opening of a council of Knights of the Red Cross, unless there be present at least 5 regular knights of the order, or the representatives of three different encampments acting under the sanction of a legal warrant: I furthermore promise and swear that I will vindicate the character of a courteous Sir Knight of the Red Cross when wrongfully traduced; that I will help him in a lawful occasion in preference to any brother of an inferior degree, and so far as honor, truth and justice may warrant: I furthermore do promise and swear, that I will support and maintain the by-laws of the council of which I may hereafter become a member, the rules and regulations of the Grand Encampment under which the same may be holden, together with the constitution and ordinances of the G. G. Encampment of the United States of America, so far as the same may come to my knowledge. To all which I solemnly promise and swear, binding myself under no less penalty than that of having my house torn down, the timber thereof set up, and I hanged thereon, and when the last trump shall blow, that I be forever excluded from the society of all true and courteous Knights, should I ever wilfully or knowingly violate any part of this solemn obligation of Knights of the Red Cross. So help me God, and keep me steadfast to keep and perform the same.

Templar's Oath.

I, A. B. of my own free will and accord, in the presence of Almighty God, and this Encampment of Knights Templars, do hereby and hereon, most solemnly and sincerely promise and swear, that I will always hail, forever conceal and never reveal any of the secret arts, parts or points appertaining to the mysteries of this order of Knights Templar, unless it be to a true and lawful companion Sir Knight Templar, or within the body of a just and lawful Encampment of such, and not unto him or them until by due trial, strict examination or lawful

information, I find him or them lawfully entitled to the same: I furthermore promise and swear, that I will answer and obey all due signs and regular summonses which shall be given or sent to me from a regular Eucampment of Knights Templar, or given to me by the hands of a regular Sir Knight Templar, if within forty miles, natural infirmities and unavoidable accidents only excusing me: I furthermore promise and swear, that I will help, aid and assist, with my counsel, my word, and my purse, all poor indigent Knight Templars, their widows and orphans, they making application to me as such, and I finding them worthy, so far as I can do it without material injury to myself, and so far as truth, honor and justice may warrant: I furthermore promise and swear, that I will not assist or be present at the conferring of this order of knighthood upon any person who has not regularly received the several degrees of Entered Apprentice, Fellow Craft, Master Mason, Mark Master, Past Master, Most Excellent Master, Royal Arch Mason, and been regularly constituted a Knight of the Red Cross, to the best of my knowledge and belief: I furthermore promise and swear, that I will not assist or be present at the forming and opening of an Encampment of Knights Templar, unless there be present seven Knights of the order, or the representatives of three different Encampments acting under the sanction of a legal warrant: Furthermore do I promise and swear, that I will go the distance of forty miles, even barefoot and on frosty ground, to save the life and relieve the distresses of a worthy Knight, should I know that his distresses required it, and my abilities permit: Furthermore I promise and swear, that I will wield my sword in defence of innocent virgins, destitute widows and helpless orphans, and the Christian religion: Furthermore I promise and swear that I will support and maintain the by-laws of the Encampment of which I may hereafter become a member, the edicts and regulations of the Grand Encampment, under which the same may be holden, together with the laws and constitution of the General Grand Encampment of the U. States of America, so far as the same shall come to my knowledge: To all this I most solemnly and sincerely promise and swear, with a firm and steady resolution to perform and keep the same, without any hesitation, equivocation, mental reservation, or self-evasion of mind in me whatever, binding myself under no less penalty than to have my head struck off and placed on the highest spire in Christendom, should I knowingly or wilfully violate this my solemn obligation of Knights Templar. So help me God, and keep me steadfast to keep and perform the same.

Before administering the next obligation, the candidate is required to drink four libations; at the fifth libation he is presented with a human skull, and told he must submit to the degradation of drinking his fifth libation from this skull, or he cannot proceed any further; on his assenting to drink from this skull he is required to repeat the following obligation, called the sealed obligation, and in testimony of his sincerity, to partake of the wine from the skull:

Sealed Obligation.

This pure wine I now take in testimony of my belief in the mortality of the body, and the immortality of the soul: and may this libation appear as a witness against me, both here and hereafter; and as the sins of the whole world were laid upon the head of the Saviour, so may all the sins committed by the person whose skull this was, be heaped upon my head, in addition to my own, should I ever knowingly or wilfully violate or transgress any obligation that I have heretofore taken, take at this time, or shall at any future period take, in relation to any degree of masonry or order of Knighthood. So help me God.

1st Obligation.

You do now by your honor and in view of the power and union of the Illustrious order of the Cross, now first made known to you, and in dread presence

of the Most Holy and Almighty God, solemnly and sincerely swear and declare, that to the end of your life you will not, either in consideration of gain, interest or honor, nor with good or bad design, ever take the least step or measure, or be instrumental in any such object, to betray or to communicate to any person or being, or member of the same in the known world, nor to any craft or crafts not entitled to them, any secret or secrets, ceremony or ceremonies, or any part thereof, appertaining to the order and degree, known among masons, Holy Illustrious Order of the Cross: That you will not, at any time or times whatever, either now or hereafter, directly or indirectly, by letter, figure or character, or by any mode whatever, expose or communicate any information, secrets or mysteries heretofore alluded to, and that you will never speak on or upon, or breathe, high or low, any ceremonies or secrets appertaining thereto, out of council, when there shall not be two or more Knight Companions of the order present beside yourself, and that in a safe and secure place, whereby any opinion, even of the nature and general principles of the institution, can be found by any other person, be he a mason or otherwise than a true Knight Companion of the Cross, nothing herein going to interfere with the prudent practice of the duties enjoined by the order, or any arrangement for their enforcement.

2d. You further swear, that should you ever know a companion violate any essential part of this obligation, you will use your most decided endeavors, by the blessing of God, to bring such person to the strictest and most condign punishment, agreeable to the rules and usages of our ancient fraternity, and this by pointing him out to the world as an unworthy and vicious vagabond, by opposing his interest, by deranging his business, by transferring his character after him wherever he may go, by exposing him to the contempt of the whole fraternity and the world, but of our illustrious order more especially, during his whole natural life, nothing herein going to prevent yourself, or any other when elected to the dignity of thrice illustrious knight, from retaining the ritual of the order, if prudence and caution appear to be the governing principles in so retaining it, such dignity authorising the elected to be governed by no rules but the dictates of his own judgment, in regard to what will best conduce to the interest of the order, but that he be responsible for the character of those whom he may induct, and for the concealment of said ritual.

3d. Should any thrice illustrious companion or acting officer of any council, which may have them in hand, require your aid in any emergency, in defence of the recovery of his said charge, you swear cheerfully to exercise all the assistance in his favor which the nature of the time and place will admit, even to the sacrifice of life, liberty and property; to all this you soberly swear; to all and every part thereof we bind you, and by ancient usage you bind yourself under the no less infamous penalty than dying the death of a traitor, by having a spear or other sharp instrument, like as our Divine Master, thrust in your left side, bearing testimony, even in death, of the power and justice of the mark of the Holy Cross.

2d Obligation.

I do now, by the honor and power of the mark of the holy and illustrious order of the cross, which I now hold to Heaven in my right hand, as the earnest of my faith, and in the dread presence of Most Holy and Almighty God, solemnly swear and declare, that I will give myself forever to this holy and illustrions order, confiding fully and unreservedly in the purity of their morals and the ardor of their pious enthusiasm for the recovery of the land of their fathers, and the blessed clime of our Lord's sufferings, and never to renounce the mark of the order, nor the claims and welfare of my brethren.

I swear to venerate the mark as the wisdom and decree of Heaven to unite our hands and our hearts in the work of holy crusade, and as an encouragement

to act with zeal and efficiency; and I swear to consider its mysteries as the only proper test of an illustrious brother of the cross. I swear to wear the mark of this order without the least addition, except what I shall be legally entitled to by *induction*, forever, if not without the physical means of doing so, or its being contrary to propriety, and even then, if possible, to wear the holy cross; and I swear to put a chief dependence for the said worthy and pious objects therein.

I swear to put confidence unlimited in every illustrious brother of the cross, as a true and worthy follower of the blessed Jesus, who has sought this land not for private good, but piety, and the religion of the Most High and Almighty God.

I swear never to permit my political principles, nor private interest to become counter to his, if forbearance and brotherly kindness can operate to prevent it, and never to meet him, if I know it, in war or in peace, under such circumstances that I may not in justice to myself, my cross and country, wish him unqualified success; and if perchance it should happen without my knowledge of being informed thereof, that I will use my best endeavors to satisfy him, even to the relinquishing my arms or purpose. I will never shed another's blood, or thwart his good fortune, knowing him to be such, nor see it done by others, if it is in my power to prevent it.

I swear to advance my brother's best interest by always supporting his military fame, and political preferment, in opposition to another, and by employing his arms and his aid in his vocation under all circumstances, where I shall not suffer more by so doing than he by my neglecting to do so.

I swear to look on his enemies as my enemies, and his friends as my friends, and stand forth to mete out tender kindness or vengeance accordingly, but never to intrude on his social or domestic relations to his hurt or dishonor, by claiming his privileges, or by debauching or defaming his female relations and friends.

I swear never to see calmly, or without earnest desires and decided measures to prevent the ill treatment, slander or defamation of any Brother Knight, nor *ever to view danger, or the least shadow of injury about to fall on his head, without well and truly informing him thereof; and if in my power to prevent it, never to fail by sword or counsel, to defend his welfare* and good name.

I swear never to prosecute a brother before those who know not our order, till the remonstrance of a council shall be inadequate to do me justice.

I swear to keep secret my brother's secrets, both when delivered to me as such, and when the nature of the information is such as to require secrecy for his welfare.

I swear to hold myself bound to him, especially in affliction and adversity, to contribute to his necessities, my prayers, my influence and my purse.

I swear to be under the control of my council, or if belonging to none, to that which is nearest to me, and never to demur to, or complain at any decree, concerning me, which my brothers as a council, shall conceive me to deserve, and enforce on my head to my hurt and dishonor.

I swear to obey all summons, sent from any council to me, or from any most Illustrious Knight, whether Illustrious counsellor for the time being, or by induction; and to be governed by the constitution, usages and customs of the order, without variation or change.

I swear never to see or permit more than two candidates, who with a seignior inductor will make three, to be advanced at the same time, in any council where I shall be; nor shall any candidate by suffrage, be inducted without a unanimous vote of the Illustrious Brethren in council, nor shall any council advance any member, there not being three Illustrious Knights, or one most Illustrious, and four Illustrious Knights of the cross present, which latter may be substituted by most Illustrious Induction;—nor yet when there shall not be a full and proper mark of the order, such as usage has adopted to our altar of metal, or other durable and worthy materials contained within the apartments of council, as also the Holy Bible; nor will I ever see a council upened for business without the ceremony of taking the mark exercised on the character of every brother, prayers, and the reading the 35th Psalm of David. Nor will I ever see or consent to, or countenance more than two persons of the same business or calling in life, to belong to, or be inducted and advanced in any one council of which I am a member, at the same time, nothing therein going to prevent or exclude members from other parts of the country, or from foreign parts, from adjoining us, if they consent formally and truly to stand in difference and defence first of their bar brethren in council, nor to prevent advancements to fill vacancies occasioned by death or removal. To all them, and every part thereof, I do now as before, by the honor and power of the mark, as by an honorable and awful oath, which confirmeth all things in the dread presence of the most Holy and Almighty God, solemnly and in truth, bind and obligate my soul, and in the earthly penalties, to wit: that for the violation of the least matter or particle, of any of the here taken obligations, I be made the silent and mute subject of the displeasure of the Illustrious order, and have their power and wrath turned on my own head; and to my destruction and dishonor, which like the nail of Jael, may be the sure end of an unworthy wretch, by piercing my temples with a true sense of my ingratitude; and for a breach of silence in case of such an unhappy event, that I shall die the infamous death of a traitor, by having a spear or other sharp weapon, like as my Lord, thrust in my left side, bearing testimony, even in death, of the power of the mark of the Holy and Illustrious Cross, before I. H. S. our thrice Illustrious counsellor in heaven, the grand council of the good. To this I swear. Glory to our most Holy and Almighty God, and good will to our country.

After another short discussion, the Knights present then unanimously resolved, That the foregoing obligations are substantially correct; and by this convention unanimously, that they are neither legally, morally or religiously binding, and that they be published to the world.

The convention then adjourned to 9 o'clock of the next day.

LEONARD B. ROSE, *Ch'n.*

DAVID BERNARD, *Sec'y.*

WM. WADSWORTH, *President.*

MATTHEW BROWN, JR. } *Secretaries.*
R. FLEMING, }

(APPENDIX G.)

DOCUMENTS

Accompanying the report of the committee on canals and internal improvements, relative to the construction of the Black River canal.

(SEE JOURNAL OF MARCH 9.)

(A.)

To the Commissioners of the Black River Canal Company:

GENTLEMEN,

In compliance with your directions to ascertain the practicability and expense of constructing a canal to connect the Erie canal at Rome, with the Black river below the High Falls, and of improving the navigation of the river to the head of the Long falls. the following reports and estimates are respectfully presented as the results of that examination.

The operations in the field were so conducted, that a general plan of the canal could be formed, without going into a minute and particular location of the works connected with it, which can more properly be performed when the execution of the work is determined upon. The examinations were as full and perfect as the object required, and the time and expense allotted would admit. The estimates of each mile will be presented separately, containing the amount of cubic yards of excavation and embankment, and the necessary works connected with it, and the respective prices being annexed to each.

The canal will be divided into two sections. The southern will embrace that portion of the canal from the southern termination of the summit level to the Erie canal; and the northern will include the summit level, and the remaining distance to the High falls. The feeder will form a division by itself. By exhibiting each portion thus separately, a more clear and correct understanding of the whole can be formed.

As the amount of lockage is great in proportion to the length of the proposed canal, the use of the common lock to overcome its elevations, would so increase the expense, and so delay the progress of navigation, that the benefits expected to be derived from its completion, would be so unimportant in the opinion of many, as not to authorise its construction; and the country at large would labor under the difficulties which at present exist, in the transportation of the articles of its production and consumption.

Fortunately, the examination has been delayed until the public mind has become satisfied with the late experiments made in New-Jersey on the Morris canal, which have established the utility of the inclined plane for the transfer of boats of twenty-five tons from one level to another. Having been nearly two years engaged as engineer on that canal, and having seen the construction and operation of the first plane, I must say, that I have the fullest confidence in them, as a certain, cheap and expeditious mode of overcoming great eleva-

tions, and express the opinion that they will be adopted on all canals constructed for the navigation of boats of twenty-five tons, on which there will be great elevations to overcome.

That great improvements will be made in their construction there is no doubt, as they are in a measure a new invention; and it is equally certain that they will answer the purposes intended, as every person will be convinced who has seen the operation of the inclined plane at the dry dock, where vessels of five hundred tons are drawn completely out of water. The principle is the same, but the performance much more rapid on the plane where the whole weight of car six tons, boat six, and cargo twenty-five, are only thirty-seven tons.

That there is economy of expense, is evident by a comparison of the expense of constructing planes and locks, and economy of time, from the experiments which prove that between ten and twelve hours would be saved in the passage of a boat from the High falls to Rome, if inclined planes were used instead of locks, and also an economy of water, as the descending boat assists by her weight in raising the ascending boat, and if the preponderance happens to be in favor of the descending boat, she brings up the other, and no water is required on the water wheel, till the descending boat feels the buoyancy of the water in the lower level, and then only so much as will supply the gravity she has lost by her immersion. There are many plans and modifications for their construction, and the experiments are proceeding *on the Morris canal*, to ascertain which combines the greatest advantages; the benefits of which experiments will be reaped in the construction of this canal.

A transverse section of the canal is exhibited on the map, and will be of the following dimensions: 20 feet wide on the bottom, depth of 4 feet water, a slope of $1\frac{1}{2}$ horizontal to 1 perpendicular, making consequently a water line of 32 feet. The dimensions of the locks should be, $7\frac{1}{2}$ feet wide, and 70 feet length of chamber in the clear. The reasons that led to propose the above dimensions were, that boats can pass these locks, carrying from 20 to 23 tons, which is as large as can easily be transferred from one level to another by the inclined plane, and that the locks on the Erie canal would admit the passage of two of these boats at the same time.

It is proposed to make the feeder navigable, and of the same dimensions with the canal. It will cost but little more to make it a navigable canal than to leave it irregular in its formation; besides, it must be of considerable size to admit water freely into the canal. The amount of transportation that will take place on the feeder, will more than compensate for the additional expense.

The main supply of water for the canal will be taken from the Black river, immediately below the entrance of Great Woodhull creek. During the time it was examined for the commencement of the feeder, it was in so high a state from previous rains, that it was thought useless to gauge it, as the quantity it then discharged would furnish no information sufficiently accurate to serve as a basis for calculation. But the capabilities of the river to fulfil the objects in view, are so generally known and well established, that there is less cause to regret that no measurement was made. From the knowledge I have obtained of the river, I am confident that it is more than sufficient to supply a much longer canal. There are also many other streams crossing the route of the canal, the most important of which are, the Mohawk river, Sugar river and Fisher creek, furnishing of themselves nearly an adequate supply, and which may be easily introduced into the canal; and the supply of water is thought to be so abundant, as to create a valuable hydraulic power on the line of the canal.

ESTIMATE OF THE FEEDER.

First Mile, (from Smith's saw-mill.)

Excavation, 30,576 yds. at 8 cts.	$2,446 08
Embankment, 4,880 yds. at 10 cts.	448 00
Grubbing,	942 00
Road bridge,	150 00
Dam across Black river,	1,400 00
Waste-weir, 20 feet, at $3,	60 00
Sluice,	130 00
	$5,576 08

Second Mile.

Excavation, 41,760 yds. at 9 cts.	$3,758 40
Embankment, 4,450 yds. at 10 cts.	455 00
Grubbing,	960 00
	$5,173 40

Third Mile, (crossing Traffer's creek.)

Excavation, 26,880 yds. at 8 cts.	$2,150 40
Embankment, 2,500 yds. at 10 cts.	250 00
Grubbing,	960 00
Waste-weir, 30 feet, at $3,	90 00
	$3,450 40

Fourth Mile, (by Slip bank.)

Excavation, 24,960 yds. at 10 cts.	$2,496 00
do 21,780 8	1,742 40
Embankment, 2,775 yds. at 12½ cts.	346 87
Grubbing,	960 00
	$5,545 27

Fifth Mile.

Excavation, 23,500 yds. at 10 cts.	$2,350 00
Grubbing,	960 00
	$3,310 00

Sixth Mile, (by Green's.)

Excavation, 21,920 yds. at 9 cts.	$1,972 80
Grubbing,	808 00
Farm bridge,	125 00
	$2,905 80

Seventh Mile, (crossing Fisher's creek.)

Excavation, 24,300 yds. at 8 cts.	$1,944 00
Embankment, 1,400 yds. at 10 cts.	140 00
Grubbing,	800 00
Dam,	175 00
Farm bridge,	125 00
	$3,184 00

Eighth Mile, (near Porter's mill.)

Excavation, 20,320 yds. at 8 cts.	$1,625 60
Embankment, 800 yds. at 10 cts.	80 00
Grubbing,	584 00
Road bridge,	150 00
	$2,439 60

Ninth Mile, (crossing East road.)

Excavation, 25,580 yds. at 10 cts.	$2,558 00
Embankment, 1,800 yds. at 10 cts.	180 00
Grubbing,	640 00
Road bridge,	150 00
	$3,528 00

Tenth Mile.

Excavation, 23,000 yds. at 8 cts.	$1,840 00
Grubbing,	586 00
Farm bridge,	125 00
	$2,551 00

Eleventh Mile, (crossing road near Hart's.)

Excavation, 22,170 yds. at 8 cts.	$1,773 60
Embankment, 2,300 yds. at 10 cts.	230 00
Grubbing,	330 00
Road bridge,	150 00
Culvert, six feet span,	350 00
	$2,833 60

Summary of the Feeder.

Distances.	Bridges.	Culverts.	Dams.	Waste Weirs.	Cost.
m. ch.					
1	1	.....	1	1	$5,576 08
2	.....	.....	....	....	5,173 40
3	.....	.....	....	1	3,450 40
4	.....	.....	....	....	5,545 27
5	.....	.....	....	....	4,310 00
6	1	.....	....	....	2,905 80
7	1	.....	1	....	3,184 00
8	1	.....	....	....	2,439 60
9	1	.....	....	....	3,528 00
10	1	.....	....	....	2,551 00
11	1	1	....	....	2,833 60
11 08	7	1	2	2	$40,497 15

Remarks on the Feeder.

The Black river is to be raised ten feet above the present level of Smith's mill-pond, by a dam, the site of which will be very favorable on account of an island formed principally of rock, situated about midway across the river. At the head of the feeder, there will be a sluice to regulate the quantity of water admitted, and to secure the feeder from the effects of freshets in the river.

The reasons for raising the level of the feeder ten feet, were—that at the present level of the mill-pond, the deepest cutting on the summit level of the canal would have been twenty-one feet, which depth would have encountered detached limestone rock, which the level assumed almost entirely avoids, and the greatest depth of excavation on this level will be but eleven feet; also, reducing the depth of cutting at the slip bank, on the fourth mile, ten feet, besides a general improvement of the line of the feeder, particularly by shortening the distance; but how much, is not ascertained, as the alteration of the level was determined on after the feeder and summit level of the canal had been explored.

The considerations that led to the determination of constructing a dam to raise the water ten feet, instead of seeking this elevation by going further up the river, were, that in the latter course, the feeder would be lengthened from two to three miles, and the waters of Great Woodhull creek would be lost—an auxiliary furnishing, in a dry season, nearly as much water as the Black river itself. The length of the feeder is greater than was expected; but when we consider that it commences in a section of the country abounding in lumber of the best quality, and passes through a fertile and productive region, in a direction totally different from that of the canal, this circumstance is not to be regretted.

The line of the feeder follows, for the first three miles, the steep bank of the river, covered with a heavy growth of timber, and cut by frequent gulphs, formed by the water that drains from the flat table land, forty or fifty feet above the level of the feeder. Two small streams, Alder and Traffer's creeks, also in this distance, run into the river, whose course will be interrupted by the line of the feeder, and they will be taken in as auxiliaries. To guard against the effects of freshets, two waste-weirs will be constructed at proper situations, to discharge the surplus waters on such occasions.

In the fourth mile, the bank forms a bluff on the river eighty or ninety feet in height, called the "slip bank," where it will be necessary to cut an average depth of twenty-three feet for twelve chains. This, however, is not so serious an obstacle as was anticipated, as the earth can be removed laterally, and with a descent—a very great portion of it with the shovel alone, not requiring the aid of barrows. By so laying out the work, that part of the soil removed will assist in forming the bank, it will not be necessary to excavate the full width of the canal. The soil on the surface, and from ten to fifteen feet below, is sand and substratum clay.

After having passed this obstacle, the ground assumes a more favorable shape, being a gentle declivity towards the river. The ninth mile, however, forms an exception to this description, it being steeper and more broken.

On the seventh mile, Fisher's creek is met with, and is passed by throwing a small dam across its bed. This plan is more economical than either an aqueduct or culvert, besides securing its waters for the use of the canal, which are more than sufficient to supply a saw-mill during a dry season.

The soil is generally a sandy and gravelly loam, with the exception of a soft clay that occurred in one or two instances.

ESTIMATE OF THE SOUTHERN SECTION.

First Mile, (below Alex. Miller's.)

Excavation, 12,500 yds. at 20 cts.	$2,500 00
" 11,000 yds. at 12 cts.	1,320 00
Embankment, 3,400 yds. at 10 cts.	340 00
Grubbing,	402 00
Plane No. 1, 70 feet, at $150,	10,500 00
	$15,062 00

Second Mile, (by upper falls of Lansing's Kill.)

Excavation, 3,250 yds. at 15 cts.	$487 50
Towing-path,	640 00
Dam and flood-gate,	1,150 00
Grubbing,	560 00
Plane No. 2, 110 feet, $150,	16,500 00
	$19,337 50

Third Mile.

Excavation, 28,000 yds. at 14 cts.	$3,920 00
Embankment, 1,600 yds. at 10 cts.	160 00
Grubbing,	800 00
Waste-weir, 30 feet, at $3.50,	105 00
	$4,985 00

Fourth Mile, (by the lower falls on Lansing's Kill.)

Excavation, 30,500 yds. at 10 cts.	$3,050 00
" 2,224 yds. at 50 cts.	1,112 00
Grubbing,	850 00
Plane No. 3, 85 feet, at $150,	12,750 00
	$17,762 00

Fifth Mile, (on the west bank of Lansing's Kill.)

Excavation, 25,300 yds. at 12 cts.	$3,036 00
Embankment, 3,500 yds. at 15 cts.	525 00
Grubbing,	800 00
Culvert, six feet span,	350 00
Plane No. 4, 75 feet,	11,250 00
	$15,961 00

Sixth Mile, (to clearings on west bank of Lansing's Kill.)

Excavation, 41,760 yds. at 10 cts.	$4,176 00
Embankment, 1,600 yds. at 10 cts.	160 00
Grubbing,	800 00
Road bridge,	150 00
Plane No. 5, 80 feet, at $150,	12,000 00
	$17,286 00

Seventh Mile, (crossing Lansing's Kill.)

Excavation, 42,360 yds. at 15 cts.	$6,354 00
Embankment, 1,200 yds. at 10 cts.	120 00
Grubbing,	640 00
Dam,	250 00
Farm bridge,	125 00
	$7,489 00

Eighth Mile, (by Thrasher's.)

Excavation, 43,200 yds. at 15 cts.	$6,480 00
Embankment, 2,800 yds. at 10 cts.	280 00
Grubbing,	600 00
Waste-weir, 20 feet, at $3.50 per foot,	70 00
Farm bridge,	125 00
	$7,555 00

Ninth Mile, (crossing Stringer's Kill.)

Excavation, 38,500 yds. at 12 cts.	$4,620 00
Embankment, 3,450 yds. at 10 cts.	345 00
Grubbing,	680 00
Road bridge,	150 00
Dam,	225 00
Plane No. 6, of 70 feet, at $150 per foot lift,	10,500 00
	$16,520 00

Tenth Mile, (by Squire Utley's.)

Excavation, 28,000 yds. at 9 cts.	$2,520 00
Road bridge,	150 00
2 farm bridges,	250 00
Waste-weir, 20 feet, at $3.50 per foot lift,	70 00
	$2,990 00

Eleventh Mile, (cross Great brook, by Bush's tavern.)

Excavation, 34,200 yds. at 9 cts.	$3,078 00
Embankment, 1,800 yds. at 12 cts.	216 00
Grubbing,	300 00
Removing rocks. 250 yds. at 50 cts.	125 00
Road bridge,	150 00
Farm bridge,	125 00
Dam,	210 00
Plane No. 7, 45 feet, at $150 per foot lift,	6,750 00
Culvert,	175 00
	$11,129 00

Twelfth Mile, (to the village of Western.)

Excavation, 30,880 yds. at 8 cts.	$2,470 40
Grubbing,	156 00
Road bridge,	150 00
Farm bridge,	125 00
	$2,901 40

Thirteenth Mile, (by Judge Brayton's.)

Excavation, 21,500 yds. at 8 cts.	$1,720 00
Grubbing,	144 00
Farm bridge,	125 00
	$1,989 00

Fourteenth Mile, (through Mr. Wager's property.)

Excavation, 35,200 yds. at 9 cts.	$3,168 00
Embankment, 2,500 yds. at 10 cts.	250 00
Grubbing.	400 00
Farm bridge,	125 00
Waste-weir, 30 feet, at $3.50 per foot,	60 00
	$4,048 00

Fifteenth Mile, (by Mr. Ely's to the Mohawk.)

Excavation, 38,000 yds. at 9 cts.	$3,420 00
Embankment, 3,200 yds. at 10 cts.	320 00
Grubbing,	708 00
2 farm bridges,	250 00
Road bridge,	150 00
Removing loose rocks, 860 yds. at 50 cts.	430 00
	$5,278 00

Sixteenth Mile, (cross Mohawk.)

Excavation, 11,424 yds. at 8 cts.	$913 92
" (soft slate) 7,800 yds. at 20 cts.	1,560 00
" (gravelly) 9,928 yds. at 10 cts.	992 80
Embankment in river, 10,370 yds. at 20 cts.	2,074 00
Paving the same, 850 yds. at 75 cts.	637 50

Road bridge,	$150 00
Grubbing and clearing,	275 00
Farm bridge,	125 00
Plane No. 8, 100 feet, at $180 per foot lift,	18,000 00
	$24,728 22

Seventeenth Mile, (by fulling-mill.)

Excavation, 25,000 yds. at 10 cts.	$2,500 00
Grubbing,	240 00
Removing loose rocks, 600 yds. at 50 cts.	300 00
Farm bridge,	125 00
	$3,165 00

Nineteenth Mile, (Ridge Mills village.)

Excavation, 30,425 yds. at 10 cts.	$3,042 50
Embankment, 3,500 yds. at 10 cts.	350 00
2 road bridges,	300 00
Farm bridge,	125 00
2 locks, 20 feet, at $400 per foot lift,	8,000 00
	$11,817 50

Twentieth Mile, (to Rome.)

Excavation, 27,000 yds. at 10 cts.	$2,700 00
Embankment, 5,000 yds. at 10 cts.	500 00
Road bridge,	150 00
Farm bridge,	125 00
2 locks, 18 feet, at $400 per foot lift,	7,200 00
	$10,675 00

Twenty-first Mile, (through Rome, 1 mile 13 chs. Erie canal.)

Excavation, 32,500 yds. at 10 cts.	$3,255 00
Embankment, 6,400 yds. at 10 cts.	640 00
2 street bridges,	400 00
Farm bridge,	125 00
Culvert 12 feet chord,	950 00
3 locks, 27 feet, at $400 per foot lift,	10,800 00
	$16,170 00

Summary of the Southern Section.

Distances.		Bridges.	Culverts.	Dams.	Waste-weirs.	Descent by planes.	Descent by locks.	Cost.	
M.	Chs.							Dollars.	Cents.
1		....	....	....	....	70	.....	15,062	00
2		....	....	1	....	110	.....	19,337	50
3		....	....	....	1	.....	.....	4,985	00
4		....	....	....	....	85	.....	17,762	00
5		....	1	....	....	75	.....	15,961	00
6		1	....	....	....	80	.....	17,286	00
7		1	....	1	....	.....	.....	7,489	00
8		1	....	....	1	....	.....	7,555	00
9		1	....	1	....	70	.....	16,520	00
10		3	....	....	1	.....	.....	2,990	00
11		2	1	1	....	45	.....	11,129	00
12		2	....	....	....	.....	.....	2,911	40
13		1	....	....	....	.....	.....	1,989	00
14		1	....	....	1	.....	.....	4,048	00
15		3	....	....	....	.....	.....	5,278	00
16		2	....	....	....	100	.....	24,728	22
17		1	....	....	....	.....	.....	3,165	00
18		1	....	....	....	.....	.....	3,150	00
19		3	....	....	....	.....	20	11,817	50
20		2	....	....	....	.....	18	10,675	00
21	13	3	1	....	....	.....	27	16,170	00
21	13	28	3	4	4	635	65	$219,998	62

Remarks on the Southern Section.

This section follows very closely the course of Lansing's kill, until its junction with the Mohawk, which river runs nearly parallel to the canal, till the latter reaches the village of Western, when the river makes a great deflexion to the west, and is intersected by the canal, (which continues a proper direction,) at a short distance above Barnard's mills, thence down the west bank of the Mohawk, through Rome, to the Erie canal.

By an inspection of the accompanying map of the country and canal, the position of this section with its profile, will be more readily and clearly understood.

On mile 1, the location of the plane is favorable. The excavation is through a soft slate stone and loam; the latter part of the mile is on a side hill, to the commencement of plane No. 2, at the upper falls of Lansing's kill, which plane will communicate with the level below, formed by throwing a dam across the kill in a narrow place one mile below the falls, which, by backing the water up to the plane, forms a basin two or three chains wide and a mile in length.

The towing-path on the side can be constructed at a small comparative expense.

In using the bed of the stream as a portion of the navigation, the expense of rock excavation, or a long embankment with the necessary paving, is saved; as the banks of the kill are composed of rock from 15 to 20 feet above the bed of the stream; the descent of which, in the mile, is such, that when the level leaves the basin, and the construction of the canal is continued on the west side of the kill, it is sufficiently high to escape the rock.

The line is located on the west bank of the kill, till it reaches the clearings, half a mile above Wiggins' house. The soil in this distance is a loam, mixed in places with fine slate and some rock. The formation of the ground is tolerably favorable, being a declivity, in places steep. There will be one culvert necessary, on the fifth mile, to allow the passage of a stream, large after rains, but dry during a drought.

To understand why the canal is carried across Lansing's kill, it will be necessary to examine the accompanying map, whence it will be evident that by crossing the kill, the expense of crossing the Mohawk three times, or of making a bend corresponding with that of the river, thereby increasing the length of the canal from two to three miles, will be avoided.

The Mohawk forms a junction with Lansing's kill, about two miles below where the canal crosses the latter, and then pursues a course with the kill nearly at right angles, to its previous direction.

The force of its waters acting directly against the east bank, has worn away the base of the hill, until it has formed a bluff of forty feet in perpendicular height. This bluff is of slate rock to within a few feet of its surface, over which the canal is enabled to pass; as the fall of the kill from where the canal crosses it, is equal to the height of the bank at the confluence of the two streams. Before arriving at this point, the nature of the excavation, being in part a soft slate and in part gravel with a steep slope for a location, render these two miles expensive.

From the junction of the Mohawk and kill, to the 12th mile, the ground is more favorable, particularly the 10th mile, by Squire Utley's. The canal will cross Stringer's kill by a dam and towing-path bridge, and then Great brook, which is passed in the same manner.

Plane No. 7 falls into the basin formed by the last dam. The ground on the 9th and 11th miles, is irregular and steep in its formation in many places; the soil gravelly, with some loose rock. The 10th mile more favorably situated, and the soil sandy loam, free from stone. The 12th, 13th, 14th and 15th miles pass through Western, from the Great brook to the Mohawk river, above Barnard's mill; and the first two miles are located on a gentle declivity, one-third of a mile to the east of the village, the two last on the side of the hill, of a steeper slope, and more uneven surface. The soil generally a gravelly loam. The 16th mile represents a great variety of causes to render it costly. There will be a plane of 100 feet lift, which is estimated at $180 a foot; to meet the additional expense of constructing it to cross the Mohawk, in the manner exhibited in the plan. Below Barnard's mill, it will be necessary to make a heavy embankment in the river, and pave the outside slope to secure it from the abrasion of the river; this embankment is necessary, as the bank presents a perpendicular face of slate stone rock thirty feet in height.

The 17th and 18th miles pass on the slope between the road from Western to Rome and the river, the soil gravelly, and formation of the land favorable. The remaining distance of three miles and thirteen chains from the Ridge mills to the Erie canal, is very well adapted for the excavation of the canal; the course will be direct, and no deep cutting for heavy embankments necessary; the soil to Rome is gravelly, thence to the Erie canal loam. In consequence of the general and gradual slope of the land in this distance, the application of the inclined plane to overcome the descent will be impracticable, and the descent of 65 feet will be effected by 7 locks, 2 of 10 feet lift, and 5 of 9 feet. There will be a culvert of 12 feet chord to allow the passage of the feeder taken from the Mohawk as a supply to the Erie canal. It may be found advisable to take this feeder into the lower level of the canal, and let it be thus con-

veyed to the Erie canal. This plan would be less costly than the expense of the culvert.

If the proposed plan of improving the old canal, to connect the village of Rome with the Erie canal, should go into operation, there would be a saving of the construction of half a mile of canal by terminating at Rome.

ESTIMATE OF THE NORTHERN SECTION.

First Mile.

Excavation, 26,520 yds. at 9 cts.	$2,386 80
Embankment, 3,000 " "	270 00
Grubbing,	624 00
Road bridge,	150 00
	$3,430 80

Second Mile, (through Swamp.)

Excavation, 50,080 yds. at 12 cts.	$6,009 60
Embankment, 8,962 yds. at 20 cts.	1,792 40
Grubbing,	850 00
	$8,652 00

Third Mile.

Excavation, 29,000 yds. at 10 cts.	$2,922 00
Embankment, 3,000 yds. at 20 cts.	600 00
Grubbing,	288 00
Road bridge,	150 00
	$3.960 00

Fourth Mile, (through Boonville.)

Excavation, 19,050 yds. at 8 cts.	$1,524 00
Embankment, 2,700 yds. at 10 cts.	270 00
Removing loose rock, 320 yds. at 50 cts.	160 00
Dam,	150 00
Road bridge,	150 00
Farm bridge,	125 00
Culvert,	200 00
Removing road,	96 00
	$2,675 00

Fifth Mile.

Excavation, 18,200 cub. yds. at 8 cts.	$1,456 00
Embankment, 1,500 cub. yds. at 10 cts.	150 00
Removing loose rock, 200 cub. yds. at 50 cts.	100 00
Grubbing,	75 00
Farm bridge,	125 00
	$1,906 00

Sixth Mile, (by J. Ward's.)

Excavation, 20,220 cub. yds. at 9 cts.	$1,819 80
Embankment, 3,000 cub. yds. at 10 cts.	300 00
Grubbing,	109 00
Waste-weir, 20 feet, at $3,	60 00
Removing loose rock, 150 feet, at 50 cts.	75 00
Road bridge,	150 00
Farm bridge,	125 00
Plane No. 1, 100 feet, at $150,	15,000 00
	$17,638 80

Seventh Mile, (crossing Sugar river.)

Excavation, 32,300 cub. yds. at 10 cts.	$3,230 00
Excavation, rock) 1,348 cub. yds. at $1,	1,348 00
Embankment, 2,540 cub. yds. at 10 cts.	254 00
Road bridge,	150 00
Farm bridge,	125 00
Grubbing,	360 00
Plane No. 2, 50 feet, at $150,	7,500 00
Dam and towing-path bridge,	1,391 00
Lock, 100 feet, at $400,	4,000 00
Removing loose rock, 750,	375 00
	$18,733 00

Eighth Mile, (by Hall's.)

Excavation, 33,600 cub. yds. at 10 cts.	$3,360 00
Embankment, 3,000 cub. yds. at 12 cts.	360 00
Removing loose rock, 900 cub. yds. at 50 cts.	450 00
Grubbing,	720 00
Culvert,	250 00
	$5,140 00

Ninth Mile, (by Tyler's.)

Excavation, 26,800 cub. yds. at 8 cts.	$2,144 00
Embankment, 2,800 cub. yds. at 10 cts.	280 00
Grubbing,	680 00
Road bridge,	150 00
Farm bridge,	125 00
Culvert,	250 00
Plane No. 3, 80 feet, at $150,	12,000 00
	$15,629 50

(Tenth Mile, by Douglas'.)

Excavation, 31,200 yds. at 8 cts.	$2,496 00
Embankment, 2,400 cub. yds. at 10 cts.	240 00
Grubbing,	480 00
Farm bridge,	125 00
Culvert,	275 00
	$3,616 00

Eleventh Mile, (by Kelsey's mills.)

Excavation, 28,000 yds. at 9 cts.	$2,520 00
Embankment, 3,600 yds. at 15 cts.	540 00
Grubbing,	340 00
Road bridge,	150 00
Farm bridge,	125 00
	$3,675 00

Twelfth Mile, (by Davis' saw-mill.)

Excavation, 39,440 yds. at 9 cts.	$3,549 60
Embankment, 1,500 yds. at 10 cts.	150 00
Grubbing,	730 00
Culvert,	300 00
Road bridge,	150 00
Plane No. 4, of 75 feet, at $150,	11,250 00
Removing loose rock, 1,230 feet, at 50 cts.	615 00
	$16,744 60

Sixty-five chains, to the High falls.

Excavation, 27,625 yds. at 8 cts.	$2,210 00
" rock, 56 yds. at $1,	56 00
Embankment, 3,000 yds. at 10 cts.	300 00
Grubbing,	750 00
2 road bridges.	300 00
Plane No. 5, of 75 feet, at $150,	11,250 00
	$14,866 00

Summary of the Northern Section.

Distances.	Bridges.	Culverts	Dams.	Waste-Weirs.	Descent by planes	Descent by locks	Cost.
m. chs.							
1	1	....	....	....	.....	....	$3,430 80
2	....	....	....	....	.....	....	8,652 00
3	1	....	....	....	.....	....	3,938 00
4	2	1	1	....	.....	....	2,675 00
5	1	....	....	....	.....	....	1,906 00
6	2	....	....	1	100	....	17,638 80
7	2	....	1	....	50	10	18,733 00
8	....	1	....	....	.....	....	5,140 00
9	2	1	....	....	80	....	15,629 00
10	1	1	....	....	.....	....	3,616 00
11	2	....	....	....	.....	....	3,675 00
12	1	1	....	....	75	....	16,744 60
65	2	....	....	....	75	....	14,866 00
12 65	17	5	2	1	380	10	$116,644 20

Remarks on the Northern Section.

The first mile will commence at the head of Plane No. 1, on the southern section, and continue on the side of a hill, to the commencement of the deep cut. The soil is a loam on a substratum of slate rock.

The second mile includes all the deep cutting on the summit, which averages nine feet for the whole distance; the soil is muck, with the exception of a portion near the bottom, which is occasionally gravel, clay and detached limestone. The third mile, the soil is sandy loam, with loose limestone. The fourth, fifth and sixth miles are situated on the gentle declivity of a hill; soil sandy loam, and a few loose rocks; land generally cleared. On the fourth mile, the line crosses the road twice within a short distance, and it is proposed, as more economical, to alter the road. The seventh mile crosses Sugar river. The best mode of passing that presented itself was, to throw a dam across the river, and let Plane No. 2 fall into the basin formed by it.

The river was examined for some distance above, and no situation offered less objections than the one selected. Although the river is subject to great and sudden rises, still its waters subside with equal rapidity.

The pond will be of some extent, and the dam over which the water will fall, 250 feet in length, which circumstances will operate in reducing the rise and velocity of the current. The expense of this dam is trifling, compared to that of an aqueduct, even if there should be a favorable site for one.

By the mode adopted, the water of the river is secured for the uses of the canal and hydraulic purposes. Shortly after crossing Sugar river, it was found expedient to locate a lock of ten feet, to avoid a ledge of limestone rock, which continues a parallel course to the canal for one mile. It is an object to save the construction of this lock, and attach it to the preceding plane, which, perhaps, may be attained, when a more minute location shall be made.

The eighth and ninth miles are on a tolerably favorable ground; some loose rock is to be removed; the soil is sandy loam. The tenth mile follows the base of the hill on the level ground near the river, and toward its termination will be located for ten or twelve chains on the side of a ridge that forms a steep bank on the river. The eleventh mile leaves the river, and is well situated through Douglass' and Sears' clearings; soil sand and clay. The twelfth mile is at first situated on a flat at the base of the hill, then on a gentle declivity, and its termination on the side of a steep hill covered with loose rocks; the soil a sandy loam. The remaining sixty-five chains will follow the course of the river to the head of the High falls. There are three points of rock met with; the line avoids the first by being located between it and the river; the second, which extends half across the river, is two feet below the bottom of the canal, and is passed by an embankment; the third, which is situated at the head of the falls, is but half a chain in breadth, and is cut through, the expense of which is entered in the estimate. The location of the plane at the High falls, will be in a line with the course of the river, on the side of the river bank; starting near the saw-mill, at the head of the falls, and terminating at the present landing-place. As the level of the river ranges from low water mark to 21 feet above, in proportion as it is affected by rains, it is proposed to construct the plane to suit the lowest state of the river, and in proportion as the river rises, the lift of the plane will be lessened, and the chain shortened to accommodate the rise of the river. This process, so simple in its nature, is another advantage the inclined plane possesses over the common lock.

General Summary.

	Distances. M.	Chs.	Culverts.	Dams.	Waste weirs	Bridges.	Descent by planes.	Descent by locks.	Cost
Feeder,.....	11	08	1	2	2	7	....	..	$40,497 15
S. Sec.	21	13	3	4	4	28	635	65	219,998 62
N. Sec.	12	65	5	2	1	17	380	10	116,644 20
Total,....	44	86	9	8	7	52	1015	75	376,139 97
Add 10 per cent. for incidentals,.....									37,620 19
" 5 " for engineers, superint'ds. &c.									18,810 09
									$433,571 25

General Remarks.

Upon taking a general view of this proposed canal, the most important facts that present themselves are, a great amount of lockage, a long feeder, no deep cutting or heavy embankment, nor will there be any expensive aqueduct, and the soil generally very easy of removal.

The first: A great amount of lockage in proportion to the length of the canal is so reduced by the inclined plane as to be equivalent in expense, to a canal of the same length with only 455 feet lockage, estimating locks at $400 a foot lift, an equivalent as to time, to an equal length of canal, with only 300 feet lockage; estimating the time by locks to overcome a foot lift at one minute. There will also be an important saving in the number of persons that would be required to attend locks. In the above calculations, the elevation overcome by planes, is estimated at 1,015 feet, that by locks 75 feet.

In order to locate inclined planes to advantage, the level is sustained, and as much fall accumulated as possible; by thus keeping up the level. it is generally thrown on the sides of ridges, which frequently are steep and broken by gullies, thereby increasing the expense of excavation and embankment; but on the other hand, there is an advantage in having a command of the country, by the great elevation it allows the selection of the shortest route.

The prices which served as a basis for the preceding calculations, are taken from the cost of executing similar works in this and other states. where the value of labor and materials are the same. The prices of excavating the same soil will be found to differ, but this is owing to the situation of the ground being more or less favorable. The embankments are generally small, and it is proposed so to locate the canal that the surplus excavation will be sufficient to form the embankment; the earth, therefore, removed into embankments, will be estimated, in the first place, as excavation, then as embankment; so that every yard thus removed, will cost the two prices of excavation and embankment.

The embankment in the river below Barnard's mill, is an exception to this method, and the price differs accordingly. The planes are estimated at $150 a foot lift. The price of the inclined plane in New-Jersey exceeds the price adopted, but when more skill and experience have been gained in their construction, the expense there will be less than this sum. The stone for the foundation of the planes and the other mason work connected with them, will cost much less than that used in the Morris canal, as there the stone is of far inferior quality, and in many instances at a distance from the line, while the best limestone in regular strata abound at the location of every plane on the route in question, except in one instance, by Barnard's mill.

As the amount of lockage is only 75 feet, 65 of which will be within two miles of the Erie canal, where timber is not so abundant, it is proposed to construct them entirely of stone, the difference of expense between stone and wooden locks, in so small an amount of lockage, not being of sufficient importance to require a saving in the first cost at the expense of durability and consequent repairs. The locks are to be of the dimensions previously proposed, and to be constructed in regular courses of hammered or rough cut limestone. They are estimated to cost $400 a foot lift at Rome. The lock of ten feet lift on the northern section will probably cost less, the stone being nearer the work.

The entire distance from the High falls to the Erie canal, may be somewhat reduced in locating the canal, by cutting off the many angles of the survey which it was impossible to avoid, without devoting much more time to the examination. The length of the feeder will be particularly benefitted by this circumstance, but more so by its level being raised ten feet above the level surveyed.

I have made no reduction for the distance thus reduced, as my object has been to fall into no exaggeration in favor of the work; but, on the contrary, to present an estimate that will rather exceed than fall short of the actual cost.

A REPORT, *containing the plan and estimates of the cost of improving the navigation of the Black river.*

Before proceeding to show in what manner it is proposed to improve this navigation, it will be well to state the expense and manner of the present transportation on the river, and to describe the nature of the obstructions.

From information obtained from persons who have been in the habit of navigating the Black river for many years, and from contracts that have been formed and executed for the transportation of freight from Carthage to the High falls, such facts can be presented as will satisfactorily exhibit the present mode and expense of navigation. In the two last trips made by the same individual, five men took up in a scow forty and fifty tons, and came down empty, in six and seven days, including only the unloading.

On this foundation the following calculation is based:

5 men, at $15 per month, (he paid $13 and $14,)	$75 00
Their board, at $6 per month,	30 00
	$105 00
Say for 6 days, (one quarter,)	$26·25
Interest and wear of a boat of $500, say $50 per annum; or counting upon 6 months, per week,	2 00
Freight for 50 tons, (or 56½ cts. per ton for 80 miles,)	$28 25

It may be said that freights will not be full both ways; and although great allowances have been made in the above, take half a load on the return, and the freight will be seventy-five cents per ton.

But the river is now navigable for steam-boats nearly two-thirds of the distance, and considering the stillness of the river, the cheapness of the boats to be built, and of the fuel, the freight by steamers ought to be cheaper than on

the North river; but call it the same, or two-thirds of a cent per ton per mile, it would give 26 cents per ton for the 40 miles, which, added to the half of 75 cents, would give 63 cents as the maximum of that navigation, or 31½ cents for the 40 miles.

As these boats can be made to draw not more than two feet water, the proposed improvements of the river will be sufficient for that draught; and the canal company will have a navigation of 40 miles, at the moderate expense of 4 to $5,000, preferable to any canal in point of economy and despatch, requiring such trifling repairs as not to be worth mentioning.

The boats that are at present used on the river, are scows about 70 feet in length, 14 or 15 in breadth, and drawing, when loaded with 50 tons, about 30 inches water; they are propelled against the current about 15 miles a day, by six or seven polemen.

The impediments that occurred in the course of the examination, were found to be bars of sand, where the river expanding to an unusual width, the current being proportionably diminished in its velocity, created a deposite of the particles held in suspension, and giving it a shoaler character generally. In some instances, the channel was divided by a number of islands, and interrupted by logs and drift wood.

These remarks apply principally to the upper part of the river, including a distance of 10 or 12 miles below the High falls. From this point to Lowville, the least depth of water was 3½ feet; thence to Carthage, at the Long falls, the water was sufficient for a vessel drawing six feet water, except in one instance, near Ellingworth's, where there is but four feet water: this obstruction is a narrow bar running across the river. No rocks were discovered that could in any way impede the navigation; although, occasionally, some presented themselves on the banks of the river, and extended some distance into it. As the contemplated improvement is to adapt the navigation to the boats that will be used on the canal, any plan to increase the depth of water below Otter creek, is considered unnecessary. The velocity of the current may be considered to average half a mile per hour; in no place did it exceed 1½, except at Otter creek; its velocity was four miles an hour, for a distance of 100 yards At this place, the river is one-third its ordinary width, and from 7 to 10 feet deep.

The mode of increasing the depth of rivers, where by a sudden expansion a diminution of its depth is produced, or where islands, forming several channels for the river, have produced the same effect, is in such places to contract the width of the stream, and force all the waters, which extended over a large surface, through a narrow passage; or, to close all the channels formed by islands, with the exception of one, through which all the water would be compelled to flow, thereby increasing its depth, and by an increased velocity operating upon its bottom, and removing the obstructions that previously existed. As the impediments that occur are uniformly of sand, there can be no doubt but that this effect will be produced by the erection of dams or jettees, constructed of only such height as to compel all the waters to flow in the channel selected in a low state of water, but not of sufficient height to cause the inundation of the lands above in time of freshets. From the laws of nature which regulate the formation of streams, we are convinced, that where by any plan we reduce the width of streams, that either their depth or velocity must be increased, or the same quantity of water could not be passed in the same space of time; and if the bottom is not too consistent, the increased velocity of the water will wear it away and increase its depth; and as all the impediments on this river are bars and shoals of sand, this effect will be produced upon them, by the construction of the dams or jettees proposed.

The dams to produce the intended effect, are to be constructed of piles driven into the bottom by hand, with a pin through the pipe, near the top, to prevent the brush from rising; by having several, say four or five, parallel rows with brush wove or rattle in, it makes a dam not unlike a rolling dam, and will easily raise the water two or three feet.

The jettees, which would also answer the same purpose, would consist of a single row of piles 12 inches square, driven into the bed of the river at a proper depth, 8 or ten feet apart. These piles to be surmounted by a capsill of the same dimensions; on each side of this capsill, 2½ inch plank are to be driven, at a proper depth, into the bottom, and firmly fastened to the cap by spikes. This is the usual manner of forming them, and they can be constructed on the Black river for $1.50 a foot, running measure. The bush dams, however, above described, are a better structure, and can probably be afforded for a less sum.

A dam and lock might be constructed below the mouth of Otter creek, to give a depth of 3 feet and upwards as far as the High falls; which would produce a navigation at all seasons that the canal itself could be used; but there are strong objections to this plan when compared with the others.

The first obstruction that occurs is one quarter of a mile below the High falls; it consists of shoals of sand through which the river has forced small passages, very narrow, and two to three feet deep. The general depth, however, at the time of the examination, did not exceed 1½ feet. The river here has a breadth of about 600 feet.—1st wing dam or jettee, $650.

The next, where the river has two channels formed by an island, it is proposed to close one and leave the west, which is naturally the best, open.—2d dam, $450.

Another island similar to the last.—3d dam, $300.

A similar island forms the next obstruction: by closing the west channel and leaving the other open, 4 feet water will be obtained.—4th dam, $325.

The following obstruction is a narrow bar of sand with deep water above and below it. This is situated about half a mile above Clowbridge's landing.—5th wing dam or jettee, $525.

About three quarters of a mile below Clowbridge's landing, there is a shoal of sand and impediments of logs.—6th wing dam or jettee, and removing logs, $575.

The next is near some high sand hills on the east side.—7th wing dam or jettee, $425.

The next obstruction is one third of a mile above J. Phelps' house. The river here is wide, with about three feet water.—8th wing dam or jettee, $375.

The following, which will be the last, is about one quarter of a mile above the mouth of Otter creek.—Wing dam or jettee, $275.

Recapitulation.

1st wing dam or jettee,	$650 00
2d dam,	450 00
3d dam,	300 00
4th dam,	325 00
5th wing dam or jettee,	525 00
6th wing dam or jettee, and removing logs,	575 00
7th wing dam or jettee,	425 00
8th wing dam or jettee,	375 00
Add ten per cent. for incidentals,	362 50
" five " superintendence,	181 25
	$4,168 00

All of which is respectfully submitted,

ALFRED CRUGER, *Civil Engineer.*

Boonville, September 14, 1828.

(B.)

To the Commissioners of the Black River Canal Company:

GENTLEMEN,

I have with care and attention examined the plan and estimate of the Black river canal, as made and located by Alfred Cruger, Esq., and Mr. Cruger has also given me many verbal explanations of his plans, and pointed out the particular location of his planes, on a part of the route over which I have passed with him.

Having been for more than thirty years intimately acquainted with the formation of every part of the country through which the proposed canal is to pass, and surveyed into farms the greater part of the route, the descriptions of the country as given me by Mr. Cruger, are familiar and perfectly understood.

Mr. Cruger proposes to pass over the elevations between the Erie canal and the Black river, chiefly by inclined planes, to lift boats from one level to another. These planes have not been used in this country, and are not known except on the Morris canal, where the experiment, which I saw in August last, satisfied me that these might be adopted with economy in construction, compared with locks, and with a very great saving of time in passing boats, and as great a saving in daily attendance and expense. I should therefore recommend the adoption of the inclined planes as proposed by Mr. Cruger, as a substitute for locks, for nearly all the elevation and depression on the proposed line of canal.

In regard to the estimate of expense of constructing the work, as made out by Mr. Cruger, I have perfect confidence in the amount being sufficient to construct the work in the manner he has proposed.

The waters proposed to be taken as feeders, are ample at all seasons, and there may be water brought upon the summit level, from the Black river, sufficient for a great number of hydraulic works over and above the quantity required

for the canal. In short, there is not a doubt about an ample supply for any purposes required.

The length of canal, exclusive of feeder, is 33 miles. The canal then connects with Black river at the High falls.

By the charter, I perceive the bed of Black river between the High and Long falls may be improved, and shall be considered a part of the navigation under the charter, and tolls allowed thereon.

This river I have navigated in a small boat many years past. I have a clear recollection of the several parts of the river as described by Mr. Cruger, and I have no doubt that the expenditure of a few thousand dollars, will make a navigation of two feet nine inches to three feet water in the drought of summer, over any shoal between the High and Long falls. The current is gentle, and the whole descent of the river in the forty miles will not exceed fifteen feet.

The improvement of the bed of Black river, so as to make it navigable for steam tow-boats, is therefore very easy, and a cheap steam-boat with an engine of twenty or twenty-five horse power, may be built on that river for five or six thousand dollars. Such a boat would take eight or ten canal boats of twenty or twenty-five tons each, and make a trip up and down in eighteen hours, or twenty hours at most. From this data it is easy to calculate that the expense of transportation on this river can be done for half a cent per ton per mile. This advantage of receiving tolls on forty miles of river navigation, is a liberal grant on the part of the legislature, and adds greatly to the value of the charter. It is equal in reality to giving the right to double tolls upon the works of costly construction.

It will probably be expected that I should say something of the probable tonnage which may pass on this canal when done. There can be no accuracy in calculations of this kind, for the very good reason, that the country through which this work is proposed to be made, is a country rapidly improving in agriculture and manufactures; and as the construction of a canal through a country creates new objects of trade, and interchange of commodities, it gives a new impulse to all kinds of enterprise and industry.

It is well known, that the country on the west of Black river, and all Jefferson county, is among the most fertile parts of the state of New-York; that it has now a very considerable population, and is capable of sustaining four or five times its present numbers. The country on the east of Black river, is a country abounding in valuable timber, and great abundance of iron ore of good quality.

The tonnage, therefore, of agricultural products, of lumber, of iron, and the manufactures of various kinds, will give an amount (which must be increasing with the increasing population) amply sufficient to pay in tolls a fair dividend upon the outlay of capital invested. If it be required to assume data to show an amount of revenue from tolls upon the proposed canal, we have no certain ground. But the following comparison of the country connected with the Black river canal, and a district of country using the Erie canal, is offered for the purpose of aiding in forming an opinion.

The district of country in Wayne county, and a few towns adjoining, contain about 24 miles by 16, making 384 square miles; the population and improved land, by the census of 1825, was thus:

Towns.	*Population.*	*Improved Land.*
Palmyra,	2,613	9,784 acres.
Arcadia,	3,479	10,756 "
Sodus,	2,496	6,372 "
Williamson,	3,190	12,116 "
Lyons,	3,068	7,920 "
Phelps,	4,740	21,094 "
	19,586	67,968 "

But, as the village of Palmyra is the market place for that town, and for a considerable part of some of the adjoining towns, so large a proportion of the productions of those towns pay toll there, that the increase of population between 1825 and 1827, should not be taken into the estimate, and a further reduction of one-fifth should be made from the above; there would then remain, 15,009 souls, and 54,375 acres improved land, which, in 1827, paid for descending trade, ... $30,459 66
Allow one-fifth ascending trade, ... 6,091 93

$36,551 59

The district of country connected with the Black river canal and navigable feeder, may be estimated at 2.000 sq. miles, and the population and improved land, by the census of 1825, to which add a reasonable increase to 1832, the time the canal would be finished, would be thus stated:

Towns.	*Population.*	*Improved Land.*
Boonville, Oneida county,	2,071	6,784 acres.
Supposed increase to 1832,	389	
Lewis county,	11,666	47,574 "
Supposed increase to 1832,	4,322	
Antwerp, Jefferson county,	2,257	8,709 "
Champion, do	2,028	9,221 "
Le Roy, do	2,556	10,425 "
Philadelphia, do	826	3,154 "
Rutland, do	2,102	11,872 "
Wilna, do	1,126	2,810 "
Supposed increase to 1832,	3,910	
Fowler, St. Lawrence county,	1,581	3,064 "
Rossie, do	1,074	4,010 "
Gouverneur, do	1,267	3,333 "
Supposed increase to 1832,	4,529	
	41,707	110,920

This population, upon a calculation of toll the same as the district about Wayne county, would pay 97,316 dollars; and supposing the distance from Rome to the Hudson to be 129 miles, and to Lyons in Wayne county, 97 miles, if the above sum is so divided that the Erie canal receives the usual tolls from Rome to the Hudson, and the Black river canal the remainder only, then the Erie canal would receive 55,547 dollars, and the Black river canal 41,769 dollars. This estimate is predicated on tolls per mile the same as now charged on the Erie canal, and which would probably be the same on many articles of great bulk and little value, but on the more valuable articles the tolls ought to be much higher on the Black river canal.

The productions of the country about Wayne county are principally agricultural. The Black river country would produce a great tonnage in lumber, and the manufacture of iron would readily and steadily increase. The water power

for hydraulic works on the Black river, on the canal, on Sugar river, Independence river, Beaver river, Moose river, Otter and Fish creeks, and various other streams in the neighborhood of this line of canal, is not exceeded, if equalled, by any section of the state.

The various views I have taken of this project, present to my mind a favorable opinion of this work, as a useful and important improvement to the country along the valley of Black river, and as offering a fair and regularly increasing toll upon the expenditure proposed, and such as will give, immediately on its completion, a remuneration equal to legal interest.

Respectfully submitted,

BENJAMIN WRIGHT.

(C.)

TO THE HONORABLE THE LEGISLATURE OF THE STATE OF NEW-YORK.

The commissioners of the Black river canal company, appointed by the act of March 20, 1828, respectfully represent:

That during the past summer they caused the route of the said navigation to be examined, and the results to be published in a pamphlet, copies of which are herewith presented. That they also caused books to be opened for subscription to the stock, and gave notice thereof agreeably to the provisions of the charter, and used all the means in their power to carry the law into operation; but that only a small part of the stock was taken up, the reason of which they believe was, that individuals were unwilling to engage in a work, the whole cost of which they were to pay, and receive only a part of the advantages to be derived from it.

That at present, under the charter, they believe it would not be possible to obtain the means of making the canal. That they understand an application is preparing to your honorable body for assistance, and that if the means of making the canal are provided, that they are willing to resign the charter.

All which is respectfully submitted.

GEORGE BRAYTON,
ISAAC CLINTON,
LEVI ADAMS,
PETER SCHUYLER,
JAMES McVICKAR,
JAMES T. WATSON,
SETH B. ROBERTS,
V. LE RAY DE CHAUMONT.

Lowville, January 16, 1829.

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TO THE

Journal of the Assembly,

1829;

ALPHABETICALLY ARRANGED.

The several subjects embraced in the volume, will be found under the initial letter of their appropriate heads; when the subject sought for is found, the reference is continued under the same head to the several pages in the volume where it has been acted upon, until finally disposed of.

In addition to the general alphabetical arrangement, there will be found distinct heads under some of the letters of the alphabet, as follows:

Under the letter

A. will be found the reports, &c. of the attorney-general; and also a reference to the several ayes and noes or divisions taken during the session, with a statement of the subject on which the vote was taken.

B. Under this letter will be found a list of the several applications for renewing old and chartering new banks, and the several applications relating to bridges.

C. Under this letter will be found a reference to the several canal applications; the reports of the canal board, commissioners of the canal fund, canal commissioners, commissioners of the land-office, comptroller, commissary-general, and canal appraisers.

G. Under this letter, the several messages of Gov. Van Buren, and of E. T. Throop, acting governor, will be found.

R. refers to communications from the revisers; resolutions of the house; resolutions concurrent; reports of the different standing committees, separately arranged under the appropriate titles of those committees; and the reports of the several select committees; applications for railways; communications from the regents of the university, and applications relating to roads.

S. Reports and communications from the secretary of state and surveyor-general.

T. refers to the treasurer's reports, and applications relating to turnpikes.

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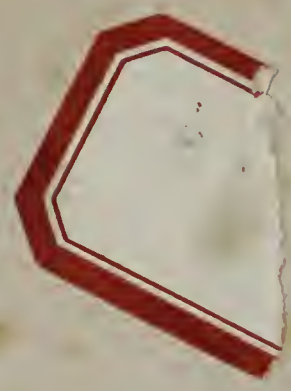
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